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international review of the red cross

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INTERNATIONAL REVIEW OF THE RED CROSS

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**The question of superior orders and the
responsibility of Commanding Officers
in the Protocol additional to the Geneva Conventions
of 12 August 1949 and relating to the protection of victims
of international armed conflicts (Protocol I)
of 8 June 1977**

by Maurice Aubert

Introduction

Much has been written on the question of orders from a superior officer ¹. The problem is too complex for any simple reply. The national legislation to which soldiers are subject renders any member of the armed forces who refuses to carry out an order liable to prosecution for a penal offence. In serious cases and especially in time of war military penal codes generally provide that the judge may sentence the offender to death. However the plea of superior orders does not necessarily relieve a military subordinate of penal responsibility for a violation of international humanitarian law committed in carrying out those orders.

The contradiction between the principle of discipline and the principle of responsibility therefore merits examination. In this paper, developments since the Nuremberg trials will first be examined. Attention will then be drawn to the provisions of the Geneva Conventions of 1949 relating to penal sanctions. Consideration will be given to the debate on this question at the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts (hereinafter referred to as CDDH) of 1974-1977.

¹ See, *inter alia*, the monographs by Mueller-Rappard, Ekkehart, *L'ordre supérieur militaire et la responsabilité pénale du subordonné*, thesis, Pedone, Paris, 1965, and Greene, L. C., *Superior orders in national and international law*, Sijthoff, Leyden, 1976.

The scope of the provisions of Protocol I relating to the repression of serious breaches will be examined next and it will be found that the extent of the responsibility of superiors and commanding officers largely makes up for the absence of provisions restricting the principle of the plea of superior orders. This principle depends on the national legislation regulating military discipline, and in this respect reference will be made mainly to Swiss law. It will be considered how far the legal provisions imposing obedience to orders in the Swiss army leave the person carrying out the orders any responsibility to resist them on the grounds of respect for international humanitarian law. Finally, an attempt will be made to determine the effect of the reservations made by Switzerland on ratifying Protocol I.

1. From the Nuremberg Tribunal to the work done by the United Nations.

As several authors point out, although prior to the Second World War the question of superior orders had not been definitely settled there was a school of thought which for the most part rejected the theory of abstract obedience; it held that soldiers were not robots, and conceded that subordinates were responsible, though only up to a point, for orders carried out.² On the other hand, Article 8 of the Charter of the Nuremberg International Military Tribunal stipulates that the fact that the defendant acted pursuant to order of a superior shall not free him from responsibility, but may be considered only in mitigation of punishment³. To a great extent this proviso rules out obedience to an order as justification. A subordinate who has committed an offence under international law must be recognized as guilty and sentenced and will have the benefit only of extenuating circumstances. Generally speaking, this principle has been applied only to major criminals. Some authors maintain that punishment of enemy war criminals was principally a political problem⁴. It may be observed that this rule is contrary

² Lauterpacht, *Oppenheim's International Law*, vol. II, 6th ed., p. 454, N° 2, with references.

³ Article 8 of the Statute of the International Military Tribunal, Nuremberg, signed in London, 8 August 1945, reproduced in United Nations, *Treaty Series*, vol. 82, pp. 278-310, No 251.

⁴ See for example Boissier, P., *L'épée et la balance*, Geneva, 1953, conclusion; Lauterpacht, H., "The Law of Nations and the Punishment of War Crimes", in *British Yearbook of International Law* (BYIL), 1944, p. 71; Mueller-Rappard, E., *op. cit.*, p. 201; and Radbruch, "Gesetzliches Unrecht und übergesetzliches Recht", in *Süd-deutsche Juristenzeitung*, 1946, p. 105 ff.

to the penal law of some States and that it was not possible to apply it at trials of minor war criminals.

At present, more than 40 years after the event, it is impossible to conclude whether the provisions of the Charter of the International Military Tribunal, Law No. 10 of the Allied Control Council for Germany, and national statutes relating to the repression of war crimes are to be regarded as having any constitutive effect on international law ⁵. The question of the Nuremberg principles was taken up by the United Nations, which charged the International Law Commission to study it. The Article IV prepared by this Commission and relating to superior orders has been much discussed. The draft code incorporating the Nuremberg principles, prepared in 1954 ⁶ by the International Law Commission after various referrals to the United Nations General Assembly, was suspended *sine die*. The Commission is, however, working on a draft code of crimes against peace and the security of mankind, and its rapporteur has proposed an Article 8(C) which rejects the plea of superior orders except in a state of necessity ⁷. As no code incorporating the Nuremberg principles has ever been formally approved, their value as a rule of international law is still questionable and legal opinion is accordingly divided on the subject ⁸. This paper does not propose to settle the question.

2. The Geneva Conventions of 1949

In pursuance of the recommendations of the Seventeenth International Conference of the Red Cross (Stockholm, 1948) the ICRC consulted a group of experts which prepared a draft article stating that the fact that the accused acted in obedience to the orders of a superior did not constitute a valid defence if the prosecution could show that in view of the circumstances the accused had reasonable grounds to

⁵ See Mueller-Rappard, *op. cit.*, p. 223.

⁶ *Yearbook of the International Law Commission*, 1954, Doc. A/UN.4/88.

⁷ Report of the International Law Commission on the Proceedings of its 37th Session, 1986, Proposal by Mr. Doudou Thiam of an article 8C. Document A/41/10.

⁸ Blishchenko, Igor, "Responsabilité en cas de violation du droit international humanitaire", in *Les dimensions internationales du droit humanitaire*, Pedone and UNESCO, Paris, and Henry Dunant Institute, Geneva, 1986, p. 330; David, Eric, "L'Excuse de l'ordre supérieur et l'état de nécessité", in *Revue Belge de Droit International (RBDI)*, 1978-1979, vol. XIV, p. 70; Röling, Bert, "Criminal Responsibility for Violations of the Laws of War", in *RBDI*, 1976-I, vol. XII, p. 20.

assume that he was committing a breach of the Geneva Conventions ⁹. The Diplomatic Conference in 1949 rejected the draft ¹⁰.

The system of penal sanctions in the Conventions is based on the distinction between breaches and grave breaches. All States party to the Conventions are competent to, and under the obligation to, repress grave breaches in accordance with the principle of *aut punire aut dedere* (either punish or extradite). They undertake to inflict penal sanctions on persons who have committed or ordered grave breaches, and to bring them before their courts or extradite them ¹¹.

Grave breaches comprise wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly ¹². Convention III also mentions compelling a prisoner of war to serve in the forces of the hostile Power, or wilfully depriving a prisoner of war of the rights of fair and regular trial ¹³. Convention IV adds to grave breaches deportation, transfer or unlawful confinement, and taking of hostages ¹⁴.

States ratifying the Geneva Conventions accept the responsibility of instituting proceedings in the event of a breach. It is noteworthy that the principle that superior orders are not a valid defence does not appear in the Geneva Conventions. It may perhaps be recognized that States are under a customary obligation to respect the Nuremberg principles, but whether superior orders are a valid defence depends on the laws of the State conducting the penal proceedings.

3. The debates of the CDDH

Article 77 of the draft Protocol I drawn up by the ICRC provided, in effect, that:

⁹ See *Remarks and proposals submitted by the International Committee of the Red Cross, document for the consideration of Governments invited by the Swiss Federal Council to attend the Diplomatic Conference at Geneva* (April 21, 1949)—IIIrd Revision of the Convention signed at Geneva on July 27, 1929, relative to the treatment of prisoners of war. Art. 119(b), p. 64.

¹⁰ Maunoir, J.-P., *La répression des crimes de guerre devant les tribunaux français et alliés*, thesis, University of Geneva, Law Faculty, 1956, pp. 231 ff.

¹¹ Geneva Conventions of 1949, Articles I 49, II 50, III 129 and IV 146.

¹² Geneva Conventions, Articles I 50, II 51, III 130 and IV 147.

¹³ Article III 130.

¹⁴ Article IV 147.

- (a) no person shall be punished for refusing to obey an order of a superior which, if carried out, would constitute a grave breach of the Geneva Conventions,
- (b) the fact of having acted pursuant to an order of a superior does not absolve an accused person from penal responsibility if it be established that he should have reasonably known that he was committing a grave breach and that he had the possibility of refusing to obey the order.

As the ICRC representative pointed out, these provisions rested on one of the principles embodied in the Charter of the Nuremberg Tribunal ¹⁵. This draft article evoked much discussion before being rejected ¹⁶. Some speakers feared that it might be interpreted as an unwarranted intrusion into the criminal law of States ¹⁷. Other speakers said the provisions for repression of breaches were, *inter alia* by reason of the introduction of Article 77 (Article 87 in the definitive text) relating to the duties of Commanding Officers, perfectly balanced and that they gave a sufficient guarantee of the prevention or repression of any breach, whether by commission or omission. Against this it was argued that if Commanding Officers were to be held responsible it was meet and proper to include an article on individual responsibility ¹⁸. Furthermore, the draft Article 77 raised the delicate subject of how far the laws of their country allowed subordinates to question the orders of their military superiors ¹⁹. The draft could, it was stated, even encourage the infringement of national laws ²⁰. Commenting on the rejection of Article 77, the representative of the Holy See said the Conference had to some extent written off the legal principles established in Nuremberg and by doing so had set humanitarian law back a step.

Rejection of these provisions has made it more difficult to admit the Nuremberg principles as being part of international law, for logically they should have been included in international humanitarian law. Some authors are, however, of the opinion that non-inclusion of this

¹⁵ CDDH/1/SR.51, in *Official Records (O.R.) of the Diplomatic Conference on Humanitarian Law*, vol. IX, p. 127, para. 20.

¹⁶ See the article by David, Eric, *op. cit.*, pp. 68 ff.

¹⁷ Including the representative of the United Kingdom at the Diplomatic Conference on Humanitarian Law: see CDDH/1/SR.51, *op. cit.*, p. 131.

¹⁸ CDDH/SR.45, Annex, in *O. R. CDDH*, *op. cit.*, vol. VI, p. 330.

¹⁹ *Id.*, p. 329.

²⁰ *Id.*, p. 338.

rule in a treaty does not prevent its survival as a customary rule, and even that refusal to accept a plea of superior orders as a valid defence is part of regional customary law between Western and socialist states ²¹. Whatever one may think of this, humanitarian law can hardly be said to have suffered a setback. A setback, to be universal, must be accepted by all Parties, not imposed by a victor. Even if it is held that these principles have been "shown the door" of international law, they may conceivably be back again some day by the side entrance! More States are including these principles in their legislation of their own free will, and their pressure could end by firmly establishing these principles as part of international law.

The national legislation of many countries now recognizes that a plea of superior orders does not absolve subordinates of penal responsibility. Whether this provision is contained in the military penal code or the penal code, or is the result of case law, depends on the country's legal tradition. It is in all cases the result of the principles established at the Nuremberg and Tokyo trials.

In their various ways, national legislations establish a link between an individual's penal responsibility and the latitude allowed him in the way he carries out an order. Even if national legislation does not recognize superior orders as an excuse, when the court comes to establish the extent of a subordinate's responsibility it must take into consideration the constraints to which he is subject. In practice, therefore, the national legislation of many countries appears to be in general agreement with the Nuremberg principles ²².

Although Protocol I does not deal with the question of superior orders as an excuse, it does state at some length the other side of the problem, namely the duty of leaders to exercise control over their subordinates. This is perhaps a preferable course. Where a high authority gives an order violating humanitarian law, it is not carried out by a chain of executants, but distributed from the tip of a pyramid to a growing number of go-betweens. In the end it often reaches a host of executants who, although aware of committing an illegal act, seek to minimize their responsibility on the grounds that it is shared by a large number of people. They look upon themselves as merely a cog in the wheel set in motion by superior orders! Also, in a wartime atmosphere of violence and fear they need courage to refuse to obey an order.

²¹ Cassese, Antonio, *Violenza e Diritto nell'era nucleare*, Bari, 1986, p. 147.

²² See the detailed study by Green, L. C., *op. cit.*, 374 pages, in which the author explains the situation in 26 countries representing all the legal traditions and current trends in international society.

Protocol I approaches the question differently, from the angle of the commander's responsibility. A commander ordered to commit a grave breach must not pass on or carry out the order—not because he refuses to obey superior orders, but because he knows that the power to command invested in him makes him personally responsible for the way his subordinates behave. According to Protocol I a commander given superior orders is not an intermediary; whatever his rank, he remains a commander and is responsible for the orders he gives his subordinates. Respect for humanitarian law is therefore not based on the threat that the plea of superior orders will not be accepted as an excuse, but on the psychologically more motivating principle of the duty of leaders in exercising command. This paper will seek to show that the purpose of the provisions of Protocol I coincides with the purpose of the Nuremberg principles.

4. Grave breaches as defined by Protocol I

Protocol I did not modify the principle of the Conventions, which is based on the difference between breaches and grave breaches; but the list of grave breaches has been much extended²³. Those against health or mental integrity (such as mutilations, medical experiments, removal of organs, etc.) are specified in detail²⁴. Also regarded as grave breaches are acts committed wilfully and causing death or serious injury to body or health, such as—

- (a) making the civilian population the object of attack;
- (b) launching an indiscriminate attack affecting the civilian population, or against dangerous forces (i.e., dams or nuclear power stations), knowing that the attack will cause losses among the civilian population;
- (c) the perfidious use of the emblem of the red cross or red crescent²⁵.

Article 49 of Protocol I states that the word “attacks” means acts of violence against the adversary whether in offence or in defence.

Acts such as the following are also regarded as grave breaches when committed wilfully:

²³ See the observations in the “Message du Conseil fédéral concernant les Protocoles additionnels aux Conventions de Genève, du 18 février 1981” in *Feuille fédérale*, 14 April 1981, vol. I, p. 1033.

²⁴ Protocol I, Article 11.

²⁵ Protocol I, Article 85, para. 3.

- (a) transfer by the Occupying Power of part of its own civilian population into the territory it occupies, or the deportation of part of the population of that territory;
- (b) unjustifiable delay in the repatriation of prisoners of war or civilians;
- (c) practices of racial discrimination such as *apartheid*;
- (d) depriving a person protected by international humanitarian law of the rights of fair and regular trial ²⁶.

5. Responsibility of leaders according to Protocol I

It will be found that in general the grave breaches mentioned in Protocol I are acts for which commanders and not individual combatants must bear responsibility. To establish the guilt of leaders it was also necessary to state how they are required to behave. It was therefore stipulated that failure to act when under a duty to do so may be considered as a guilty act ²⁷. The fact that a breach was committed by a subordinate does not absolve his superiors from their penal responsibility if they knew that the breach was going to be committed and if they did not take steps to prevent it ²⁸.

Military powers and duties are established by national law, but the duty resulting therefrom has to be interpreted in the light of international humanitarian law ²⁹. Superiors are therefore subject to special responsibility where they have failed to take all feasible measures within their power to prevent or repress a breach committed by a subordinate ³⁰. "Superior" means any person who has a personal responsibility with regard to the perpetrator of the acts concerned, because the latter, being his subordinate, is under his control ³¹. Three conditions must be fulfilled before superiors become responsible. These are—

- (a) the superior concerned must be the superior of that subordinate;
- (b) he knew, or had information which should have enabled him to conclude, that a breach was being committed or was going to be committed;

²⁶ Protocol I, Article 85, para. 4.

²⁷ Protocol I, Article 86, para. 1.

²⁸ Protocol I, Article 86, para. 2.

²⁹ *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949*, ICRC, Martinus Nijhoff Publishers, Geneva, 1986, p. 1010, section 3537.

³⁰ Protocol I, Article 86, para. 2.

³¹ *Commentary...*, *op. cit.*, p. 1013, section 3544.

(c) he did not take the measures within his power to prevent or repress it ³².

The armed forces must be subject to an internal disciplinary system which, *inter alia*, must enforce compliance with international humanitarian law ³³. Consequently, the Parties to the conflict must require military commanders to prevent and, where necessary, to suppress and report to competent authorities breaches of the Conventions and of Protocol I ³⁴. Commanders are therefore required to ensure that their subordinates are aware of their obligations under the Conventions and Protocol I ³⁵. The concept of the humanitarian duty of commanders existed even before the first Geneva Convention of 1864, and is clearly stated in an order by General G. H. Dufour issued in 1847 ³⁶. Under Protocol I, when a commander has instructed his subordinate in accordance with this obligation, and the subordinate commits an illegal act in carrying out an order by the means commensurate with his rank, he may not invoke superior orders as an excuse. Furthermore, any commander who is aware that subordinates are going to commit a breach must take all necessary steps to prevent it. Where a breach has been committed, he must take action against the persons who committed it ³⁷. "The word 'commanders' refers to all those persons who have command responsibility, from commanders at the highest level to leaders with only a few men under their command" ³⁸. In other words,

³² *Commentary...*, *op. cit.*, p. 1012, section 3543.

³³ Protocol I, Article 43, para. 1.

³⁴ Protocol I, Article 87, para. 1.

³⁵ Protocol I, Article 87, para. 2.

³⁶ In 1847 an internal conflict, the War of the Sonderbund, took place in Switzerland. Guillaume-Henri Dufour was appointed General and Commander-in-Chief of the federal troops. In his "Recommendations on the conduct to be observed towards the inhabitants and troops", which he ordered the general staffs to follow, he gave orders that civilian persons and property should be respected, that enemy wounded should be looked after as carefully as his own wounded, and that no harm should be done to prisoners. In a P.S. to this document in his own hand, General Dufour (later the first President of the ICRC) added: "High commanders will take care to inculcate these principles in their subordinates, who will in turn inculcate them in their junior officers, so that from the latter they shall be passed to other ranks and serve as a rule for the entire federal army. That army must do everything to prove to the world that it is not a crowd of barbarians. Bern, 4 November 1847, The Commander-in-Chief." Olivier Reverdin: "Le Général Guillaume-Henri Dufour, précurseur d'Henry Dunant" in *Studies and essays on international humanitarian law and the principles of the Red Cross in honour of Jean Pictet*, ed. Christophe Swinarski, Martinus Nijhoff Publishers, Geneva-The Hague, 1985, p. 957.

³⁷ Protocol I, Article 87, para. 3.

³⁸ *Commentary...*, *op. cit.*, p. 1019, section 3553.

all ranks in the military hierarchy, from general to corporal, each to the extent commensurate with his rank, are responsible for enforcing international humanitarian law.

“The development of a battle may not permit a commander to exercise control over his troops all the time; but he must impose discipline to a sufficient degree”³⁹. To be effective, however, discipline must be based on training. Subordinates must therefore be trained by their superiors to apply the rules of humanitarian law on which they are competent to take decisions.

In view of the responsibility commanders are required to bear it would appear somewhat illogical to have rejected the principle that superior orders are not a valid excuse in law. But this illogicality is more apparent than real. In the present author’s opinion, the point is not whether to accept or reject that principle, but how to assess the act in relation to the level of responsibility of the soldier(s) concerned, allowing for the latitude given to the executant to refuse to obey the order.

Where a commander gives an order and a subordinate then orders persons under *his* command to carry it out, it will be seen that by acting as a commander he comes under Part V, section 2 of Protocol I, which concerns repression of breaches. If he knew or should have known that his subordinates were about to commit a breach, and he took no steps to prevent it, he is responsible either for failing to take action or for failing to do his duty. It must therefore be accepted that a commander who, in carrying out superior orders, gives an order violating international humanitarian law is himself guilty⁴⁰.

Just as at the Nuremberg Tribunal, a distinction must be drawn between an “enabling” order which leaves a subordinate free to give an executory order for which he takes responsibility (for example, a tank regiment is ordered to advance in a given direction) and a “strict” order that allows the executant no latitude (for example, that all prisoners of war recaptured after escape are to be shot immediately). In the first case, regimental commanders can and must take international humanitarian law into account when giving their orders. In the second case, even if the national legislation to which the commandant of the prisoner-of-war camp is subject does not recognize the Nuremberg principles, he must not carry out the order. For him that order is impossible of performance, for by passing it on to his subordinates he would himself become responsible for it. An unlawful order must not

³⁹ *Commentary...*, *op. cit.*, p. 1018. section 3550.

⁴⁰ Blishchenko, *op. cit.*, p. 343.

be carried out and it is therefore a commander's duty to refuse to obey it. Otherwise it remains for him to free himself of responsibility by proving that he was forced to carry out the order.

The only soldiers not subject to the responsibility borne by their superiors and commanders (Articles 86 and 87, Protocol I) are private soldiers, who are however accountable for breaches of the basic rules of international humanitarian law. They must for example refuse to carry out an order by their lieutenant to finish off a wounded enemy or shoot prisoners. Only if a private soldier carries out such an order when forced to do so by a serious threat, for example that he will himself be shot, may he be relieved of his penal responsibility.

It has been objected that not to accept the plea of superior orders as an excuse weakens military discipline as provided for by national legislation, and undermines confidence in superior officers. In actual fact, bearing in mind the heat of the moment, the difficulty of applying the order usually lies in the subordinate's ability to understand its implications. Therefore, the fact that Protocol I does not define the extent to which superior orders are a valid excuse does not in any way mean that a soldier can divest himself of responsibility if he carries out orders which he can realize violate the elementary principles of the Geneva Conventions, such as respect for the wounded, shipwrecked, prisoners or civilians, or the provisions of that Protocol forbidding attack on an enemy who is *hors de combat* or perfidious use of a protective sign. As stated above, responsibility for many of the grave breaches listed in Protocol I must be borne mainly by Commanders, because they are in a position to assess the situation. This, for example, applies to methods of warfare, but the difficulty lies in deciding on what lever responsibility is to be assigned.

6. Internal provisions of Swiss law

The Swiss military penal code (MPC), like that of all other armies, regards disobedience as an offence. It provides that any person failing to obey an order given to him or the troops of which he forms part, and relating to the conduct of the service, shall be punishable by imprisonment⁴¹. In wartime, if such disobedience takes place in the face of the enemy, the punishment is hard labour or death⁴².

"If the execution of an order relating to the conduct of the service is a crime or offence, the officer or superior giving the order shall be

⁴¹ *Swiss Military Penal Code (MPC)*, Article 61, para. 1.

⁴² *MPC.*, Article 61, para. 2.

punishable as the author of the breach”⁴³. Superiors are therefore responsible for the orders they give, but as shown above the responsibility assigned by Protocol I is broader since it also covers offences of omission⁴⁴. More directly, commanders are responsible for the acts of their subordinates⁴⁵. They must also ensure that subordinates under their command are aware of their obligations under the Conventions and Protocol I⁴⁶.

A subordinate is also punishable if when carrying out an order he realized that he was taking part in perpetrating a crime or offence. Under Article 2, paragraph 2 of the MPC the judge may, however, mitigate his punishment or exempt him from punishment. In the positive law of Switzerland and other States⁴⁷ the plea of superior orders does not free the accused from his responsibility, but the judge is empowered to take such a plea into consideration, depending on circumstances. This appears to be a fair solution. Although as a militia the Swiss army must maintain strict discipline to guarantee its efficacy, it is only fair that every citizen-soldier should bear some responsibility which gives him the right to refuse to obey an illegal order. For example, at target practice the security officer may veto an order to fire outside the target area, even if his superior officer insists on it. Admittedly, since Switzerland has not been at war, there is no relevant case law. The notion of “participating” in a crime, the circumstances in which a person could be accused as co-author, instigator or accomplice, and his personal position as a subordinate that enables him to plead extenuating circumstances such as the duty of obedience, are outside the scope of this paper⁴⁸.

Switzerland has complied with the Geneva Conventions by introducing new provisions into Chapter 6 of the MPC (a chapter dealing with breaches of international law in the event of armed conflict), which state that breaches of international conventions on the conduct of war and the protection of persons and property, and breaches of other recognized laws or customs of war, are punishable⁴⁹. Even though

⁴³ *MPC*, Article 18, para. 1. For “penal responsibility” in international humanitarian law, see *Commentary...*, *op. cit.*, p. 979, section 3411.

⁴⁴ Protocol I, Article 86, para. 2.

⁴⁵ Protocol I, Article 87, paras. 1 and 2.

⁴⁶ Protocol I, Article 87.

⁴⁷ See, *inter alia*, in Belgium the “Règlement de discipline des forces armées introduit par la loi du 14 janvier 1975”, Article ii, para. 2, reproduced in David, *op. cit.*, p. 70 ff.

⁴⁸ See *MPC*, Article 45.

⁴⁹ According to *MPC*, Article 109.

Protocol I is somewhat vague in its definition of certain offences in so far as the principle of *nullum crimen sine lege* is concerned, in the legislator's view Switzerland's ratification of the Additional Protocols, especially Protocol I, did not make revision of the MPC necessary⁵⁰. Grave breaches such as those described in Protocol I are accordingly covered by Chapter 6 of the MPC, subject to the reservations made by Switzerland when ratifying Protocol I.

As regards the obligation of mutual assistance in connexion with criminal proceedings⁵¹ Switzerland is in a position to give the greatest possible co-operation in any procedure relating to grave breaches, by applying the federal law on mutual assistance in criminal proceedings⁵².

7. Swiss reservations on ratifying Protocol I

When ratifying the Protocols, Switzerland made reservations regarding certain provisions of Protocol I on protection of the civilian population in the event of attack⁵³. Protocol I reaffirms the principle that in the conduct of military operations care shall be taken to spare the civilian population⁵⁴. Under Article 57, paragraph 2, the attacker must take the following precautions:

- a) he must do everything feasible to verify that the objectives to be attacked are military objectives only;
- (b) where that is not the case he shall refrain from, or cancel or suspend, the attack;
- (c) he shall give advance warning to the civilian population of attacks which may affect it.

At the Diplomatic Conference the representative of Switzerland pointed out that the phrase "those who plan or decide upon an attack" was too vague, in that it might place a burden of responsibility on junior military personnel which ought normally to be borne by those of higher

⁵⁰ Message du Conseil fédéral, *op. cit.*, p. 1034.

⁵¹ Protocol I, Article 88.

⁵² See Aubert, Maurice, "La répression des crimes de guerre dans le cadre des Conventions de Genève et du Protocole additionnel I et l'entraide judiciaire accordée par la Suisse", in "*Schweizerischen Juristen-Zeitung*, No. 23, 1983, p. 368 ff.

⁵³ See Aubert, Maurice, "Les réserves formulées par la Suisse lors de la ratification du Protocole additionnel aux Conventions de Genève relatif à la protection des victimes des conflits armés internationaux (Protocole I), in *Etudes et essais sur le droit international humanitaire et sur les principes de la Croix-Rouge en l'honneur de Jean Pictet*, ed. Christophe Swinarski, Martinus Nijhoff Publishers, Geneva-The Hague, 1985, p. 139 ff.

⁵⁴ Protocol I, Article 57, para. 1.

rank ⁵⁵. When Switzerland signed Protocol I the Swiss Federal Council accordingly made a statement interpreting Article 57, paragraph 2, of the Protocol as follows: "The provisions of Article 57, paragraph 2, create obligations only for commanding officers at the battalion or group level and above" ⁵⁶. At the time of ratification the Government repeated this interpretative declaration in the form of a reservation and added a sentence reading: "The information available to the commanding officers at the time of their decision is determinative" ⁵⁷. The Republic of Austria, which in military matters is in a position resembling that of Switzerland, made a similar reservation with regard to Article 57, paragraph 2 of Protocol I when ratifying that Protocol ⁵⁸.

Military action would be impossible if commanders planning an attack were required to make its success less likely by awaiting further information before deciding to attack. The above reservations would appear justified, for company or battery commanders—and *a fortiori* lower ranks—are not usually in a position to take decisions with Article 57, paragraph 2 in mind. Battalion or group commanders, however, and commanders of still higher formations, have a general staff and scouting or intelligence facilities from which they can assess the situation. Such formations must therefore take steps to ensure compliance with Article 57, paragraph 2, and must give clear orders to their subordinates not to commit breaches ⁵⁹.

The Swiss reservation only partially exonerates subordinates in respect of precautions in attacks; it does not affect their duty as commanders. However clear an order may be, it nearly always leaves some initiative to the subordinate who carries it out. Consequently, whilst a company or battery commander can plead as an excuse that he was given an order, when carrying out the order in the light of the information in his possession he remains responsible, both generally and in accordance with Article 57, paragraph 2, for preventing his subordinates from committing grave breaches.

The second Swiss reservation ⁶⁰, stating that certain precautions against the effects of attacks "will be applied subject to requirements

⁵⁵ O.R. CDDH, *op. cit.*, vol. VI, p. 212 (CDDH/SR.42, para. 43).

⁵⁶ The term "group" is equivalent in the Swiss army to "battalion" and is used *inter alia*, in the artillery, including anti-aircraft artillery.

⁵⁷ Message du Conseil fédéral, *op. cit.*, p. 1063. (Text appears as an Annex to these notes.)

⁵⁸ The instrument of ratification of the Additional Protocols by the Republic of Austria of 13 August 1982.

⁵⁹ Protocol I, Article 86.

⁶⁰ Reservation (attached) with regard to Article 58, Protocol I.

for the defence of the national territory”⁶¹, is made because Switzerland is a densely populated country with an excellent civil defence system⁶².

It has just been seen that according to Switzerland’s reservation with regard to precautions in attack (Article 57, paragraph 2 of Protocol I) these create obligations only for commanding officers at battalion or group level and above. By extension, it seems reasonable to accept that precautions against the effects of attack create obligations only for commanders of battalions or groups. If the phrase “to the maximum extent feasible”⁶³ and its restrictive Swiss interpretation are added, there is little risk that a subordinate carrying out an order that does not comply with Article 58 could be held penally responsible for breaching that article.

Conclusions

In international law the question whether superior orders provide an excuse is neither firmly based nor exactly defined. It must therefore be regulated by States, who must allow for the individual characteristics of their national legislation.

From the point of view of international humanitarian law the lack of relevant provisions is not as serious as might be supposed. International humanitarian law must be universally applied and obeyed; it cannot attempt to impose rules on this subject that are contrary to national legislation, otherwise it will be rejected. Besides, the grave breaches committed in armed conflicts over the last few years are principally of the Geneva Conventions, and relate to inhuman treatment of wounded, conditions of detention for prisoners, failure to respect the civilian population, and suchlike.

Protocol I, however, is particularly concerned with non-compliance with rules that are universally recognized, such as those for the protection of the civilian population against the effects of hostilities, and restrictions on methods of warfare. Even if an article on the responsibility of persons carrying out an illegal order had been added to the Geneva Conventions or Protocol I, it would probably not have prevented grave breaches or led to their punishment. Unfortunately, grave breaches of international humanitarian law are usually the result of orders from the highest levels of the military hierarchy, and troops

⁶¹ Federal order of 9 October 1981 in *Feuille Fédérale*, 1981, p. 1063. Recueil systématique du droit fédéral, O.518.521., p. 63.

⁶² Aubert, Maurice, “Réserves...”, *op. cit.*, p. 144.

⁶³ Protocol I, Article 58.

could therefore not resist them. For the real culprits to be punished, a supranational tribunal would have to be appointed with authority to try, and punish, Heads of States who had ordered or tolerated grave breaches of international humanitarian law. That is still a long way off!

However, Protocol I, by specifying the responsibility of commanders at all levels, is a great step forward, and should have a coercive effect in international humanitarian law. The Parties to a conflict must insist on their commanders doing all necessary to prevent their subordinates from committing grave breaches, and to repress any such breaches ⁶⁴. But especially in the heat of battle, this obligation cannot be properly fulfilled unless it is supported by training as thorough as that required for the handling of weapons and the conduct of warfare. The first and principal duty required of commanders by Protocol I is, therefore, to ensure that all ranks are familiar with international humanitarian law. It is important that States which have ratified the Protocol should be fully conscious of their responsibility in this connexion. States that have not yet ratified it cannot claim, however, that its rules on the responsibility of commanders are no concern of theirs, for these are not special rules added to Protocol I. On the contrary, they express basic principles whose breach would make a mockery of the Geneva Conventions.

It is particularly necessary to uphold the principle of the commanders' responsibility in States that do not accept the principle of subordinates' responsibility in carrying out unlawful orders from a superior. The two principles partly overlap, and the purpose of both is to make members of the armed forces fully aware of their responsibilities, and so to prevent, if not punish, grave breaches. All States must therefore realize that it is their duty to comply with and enforce international humanitarian law in armed conflicts, as a branch of international law accepted by all members of the community of States.

Maurice Aubert

Mr Maurice Aubert has a doctorate in law from Geneva University. He held a legal position in a Geneva bank before embarking on a political career at the cantonal level, and was at one stage Chairman of the City Council of Geneva. He was elected member of the cantonal parliament of the Republic and Canton of Geneva, and presided over this institution from 1977 to 1979. Mr Aubert has been a member of the ICRC since 1979 and of the Executive Board since 1983 and was appointed Vice-President of the institution on 1 January 1984. He has published a number of books and articles on business law, Swiss law and international legal co-operation.

⁶⁴ Protocol I, Articles 86 and 87.

National Measures to Implement International Humanitarian Law

A new move by the ICRC

Ever since its foundation, the ICRC has made considerable efforts to develop humanitarian law and to ensure that it is accepted by the States. Indeed, its activity in this field is acknowledged both by the Statutes of the International Red Cross and Red Crescent Movement and by those of the ICRC itself. However, the ICRC is aware of the fact that the treaties which constitute humanitarian law, even if they are duly accepted by the States, could well remain a dead letter unless internal legal and practical measures are taken within State systems to guarantee their application.

The ICRC has, in the past, taken a number of steps in connection with these "national measures for implementation in peacetime", which have appeared several times on the agenda of International Conferences of the Red Cross. At the Twenty-fifth International Conference (Geneva, October 1986) a document and a draft resolution were submitted on the subject, and the Conference adopted by consensus its Resolution V. This Resolution essentially recalls the fundamental importance of national measures for implementation and the respective roles of governments, National Societies and the ICRC in this respect.

On 28 April 1988, as a follow-up to this Resolution, the ICRC contacted the governments of the States party to the Geneva Conventions of 1949 and, as the case may be, to their Additional Protocols of 1977, as well as the National Red Cross and Red Crescent Societies, in the hope of receiving any information which could contribute to further reflection and action in this connection, particularly in view of the report on the subject to be submitted to the next International Conference of the Red Cross and Red Crescent.

Given the importance of this matter, the International Review of the Red Cross has reproduced below all the documents sent to the governments and to the National Societies.

These are:

- *the letter to the States party to the Geneva Conventions;*
- *the letter to the National Red Cross and Red Crescent Societies.*

Each of these letters was accompanied by the following annexes:

- *Resolution V of the Twenty-fifth International Conference of the Red Cross (Geneva, October 1986);*
- *Memorandum on national measures to implement international humanitarian law;*
- *Document entitled "National measures to implement the Geneva Conventions and their Additional Protocols in peacetime" (Twenty-fifth International Conference of the Red Cross, doc. C. I/2.4/2);*
- *List of signatures, ratifications, accessions and successions with regard to the Geneva Conventions of 12 August 1949 and their Additional Protocols of 8 June 1977 (this document is not reproduced in this issue; for information regarding the Protocols as of 31.12.1987, see the IRRC, No. 262, January-February 1988, pp. 92-95).*

Letter to the States party to the Geneva Conventions

Geneva, 28 April 1988

LE PRÉSIDENT

[...]

The International Committee of the Red Cross hereby has the honour of requesting information with regard to the measures that your government has taken or is planning to take as a follow-up to Resolution V of the Twenty-fifth International Conference of the Red Cross (Geneva, October 1986) (*Annex I*).

This resolution, adopted by consensus and entitled "National measures to implement international humanitarian law", was already

brought to your attention, together with the other resolutions of the Twenty-fifth International Conference of the Red Cross, in a letter dated 25 June 1987 from the Chairman of the Standing Commission of the Red Cross and Red Crescent.

In Resolution V, the International Conference of the Red Cross reaffirmed that the very applicability of the Geneva Conventions of 12 August 1949 for the protection of war victims and their Additional Protocols of 8 June 1977 depended largely upon the adoption of appropriate national legislation. Thus, the International Conference essentially:

- urged the States party to the Geneva Conventions and, as the case may be, to the Additional Protocols to adopt or supplement the relevant national legislation as well as to inform one another of the measures taken or under consideration for this purpose;
- invited the National Red Cross and Red Crescent Societies (referred to hereinafter as “the National Societies”) to help their own governments in fulfilling their obligations in this respect;
- appealed to the governments and National Societies to give the ICRC their full support and all necessary information;
- requested the ICRC to gather and assess the said information and to report regularly to the International Conferences of the Red Cross and Red Crescent on the follow-up to the said resolution.

It is the ICRC's intention to discharge the mandate with which it has been entrusted by this resolution, and which was already conferred on it by the Statutes of the International Red Cross and Red Crescent Movement. It has therefore decided to apply to the Parties to the Conventions with a view to obtaining from them information on any measures taken or under consideration in connection with the fulfilment of their obligations under the Conventions and, as the case may be, one or both of the Additional Protocols. In this respect, the ICRC hopes to obtain from the States both general and specific information, defined in greater detail in the memorandum and the document appearing as *Annexes 2 and 3* hereto.

[In conformity with Resolution V, the ICRC is sending the National Societies a letter for the most part similar to this one, stressing their role with respect to the task in question. From a practical point of view, it would probably be useful to arrange for contacts between the government and the National Society to be maintained through correspondents

specially appointed by both sides, possibly within the framework of an interministerial committee enlarged to include representatives of the National Society. On this matter also, the ICRC would appreciate being kept informed].

The ICRC hopes to receive replies from the governments within six months. In the meantime, it would be glad to provide the governments and National Societies with any information or advice they may need.

The reports drawn up by the ICRC for submission to future International Conferences will contain quantitative data as well as a consideration of implementation in general and of the various efforts currently under way. The ICRC looks forward with great interest to receiving the opinion of the States in this connection, and with regard to possible means of assisting the States in the fulfilment of their obligations.

[...]

Cornelio Sommaruga

Letter to the National Red Cross and Red Crescent Societies

Geneva, 28 April 1988

LE PRÉSIDENT

[...]

The International Committee of the Red Cross hereby has the honour of requesting information with regard to measures that your National Society has taken or is planning to take as a follow-up to Resolution V of the Twenty-fifth International Conference of the Red Cross (Geneva, October 1986) (*Annex I*).

This resolution, adopted by consensus and entitled “National measures to implement international humanitarian law”, was already brought to your attention, together with the other resolutions of the Twenty-fifth International Conference of the Red Cross, in a letter dated 18 June 1987 from the President of the League of Red Cross and Red Crescent Societies.

In Resolution V, the International Conference of the Red Cross reaffirmed that the very applicability of the Geneva Conventions of

12 August 1949 for the protection of war victims and their Additional Protocols of 8 June 1977 depended largely upon the adoption of appropriate national legislation. Thus, the International Conference essentially:

- urged the States party to the Geneva Conventions and, as the case may be, to the Additional Protocols to adopt or supplement the relevant national legislation as well as to inform one another of the measures taken or under consideration for this purpose;
- invited the National Red Cross and Red Crescent Societies (referred to hereinafter as “the National Societies”) to help their own governments in fulfilling their obligations in this respect;
- appealed to the governments and National Societies to give the ICRC their full support and all necessary information;
- requested the ICRC to gather and assess the said information and to report regularly to the International Conferences of the Red Cross and Red Crescent on the follow-up to the said resolution.

It is the ICRC's intention to discharge the mandate with which it has been entrusted by this resolution, and which was already conferred on it by the Statutes of the International Red Cross and Red Crescent Movement. It has therefore decided to apply to the Parties to the Conventions with a view to obtaining from them information on any measures taken or under consideration in connection with the fulfilment of their obligations under the Conventions and, as the case may be, one or both of the Additional Protocols. In this respect, the ICRC hopes to obtain from the States both general and specific information, defined in greater detail in the memorandum and the document appearing as *Annexes 2 and 3* hereto.

In conformity with Resolution V, the ICRC is sending the Parties to the Conventions a letter for the most part identical to this one, stressing their primary responsibility with regard to implementation, to the exchange of information and to the transmission of information to the ICRC. As regards the National Societies, the particular role which they are called upon to play is embodied in the Resolution and was already defined in the “Strategy for the Development of National Societies in the Eighties”; that is, to support representations made by the ICRC to their government authorities in order to promote, in peacetime, legislative and practical measures aimed at facilitating the application of international humanitarian law.

In addition to their role in promoting the adoption of such measures, the National Societies must ensure that their government keeps the ICRC duly informed of any steps taken or under consideration. From a practical point of view, it would probably be useful to arrange for contacts between the government and the National Society to be maintained through correspondents specially appointed by both sides, possibly within the framework of an interministerial committee enlarged to include representatives of the National Society. On this matter also, the ICRC would appreciate being kept informed.

The ICRC hopes to receive replies from the governments within six months. In the meantime, it would be glad to provide the governments and National Societies with any information or advice they may need.

The reports drawn up by the ICRC for submission to future International Conferences will contain quantitative data as well as a consideration of implementation in general and of the various efforts currently under way. The ICRC looks forward with great interest to receiving the opinion of the States in this connection, and with regard to possible means of assisting the States in the fulfilment of their obligations.

[...]

Cornelio Sommaruga

RESOLUTION V OF THE TWENTY-FIFTH INTERNATIONAL
CONFERENCE OF THE RED CROSS (GENEVA, 1986)

**National measures to implement
international humanitarian law**

The Twenty-fifth International Conference of the Red Cross,

conscious of the fact that the Parties to the Geneva Conventions and the Additional Protocols have undertaken to respect and also to ensure respect for these instruments in all circumstances,

recalling the duty of the States Parties to communicate to one another, through the depositary and, during hostilities, through the Protecting Powers, the official translations of the Conventions and the Additional Protocols, as well as the laws and regulations they may adopt to ensure their application,

having examined the document presented by the ICRC on *Respect for international humanitarian law—National measures to implement the Geneva Conventions and their Additional Protocols in peacetime*,

reaffirming that the very applicability of international humanitarian law depends largely upon the adoption of appropriate national legislation,

1. *urges* the governments of States Parties to the Geneva Conventions and, as the case may be, to the Additional Protocols to fulfil entirely their obligation to adopt or supplement the relevant national legislation, as well as to inform one another, as stated above, of the measures taken or under consideration for this purpose,
2. *invites* National Societies to assist and co-operate with their own governments in fulfilling their obligation in this respect,
3. *appeals* to governments and National Societies to give the ICRC their full support and the information to enable it to follow up the progress achieved in legislative and other measures taken for the implementation of international humanitarian law,
4. *requests* the ICRC to gather and assess the said information and to report regularly to the International Conferences of the Red Cross and Red Crescent on the follow-up to the present resolution.

NATIONAL MEASURES TO IMPLEMENT INTERNATIONAL HUMANITARIAN LAW

Memorandum

International humanitarian law applicable in armed conflicts is today essentially embodied in the four Geneva Conventions for the protection of war victims of 12 August 1949 (referred to hereinafter as “the Conventions”) and in their two Additional Protocols adopted on 8 June 1977 (referred to hereinafter as “the Protocols”).

Whereas almost all members of the international community are now Parties to the Conventions (165), this is not yet the case for the two Protocols: only 75 States are Parties to Protocol I relating to international armed conflicts, and 66 to Protocol II relating to non-international armed conflicts. Fuller information as to the States party to these various instruments is given in *Annex 4*.*

Whether a given State is a Party to the Conventions alone or to the Conventions as supplemented by one or both of the Protocols will inevitably have an influence on the rules applicable and, in particular, on that State's obligations with regard to measures of implementation.

General considerations, however, beginning with the obligation to take the necessary measures of implementation, remain unaffected. Indeed, despite the impressive number of provisions and the detail of the rules and regulations contained in the Conventions and the Protocols, these treaties could remain a dead letter unless national measures of implementation are taken before the actual emergence of situations calling for their application.

In such situations, the Conventions and the Protocols provide for particular means of implementation which represent a development and clarification of the customary rule whereby the Parties must execute in good faith the treaties in force. Above all, both the Conventions and Protocol I contain the express principle which forms the subject of this memorandum: that the Parties shall take without delay all necessary measures to fulfil their obligations.

This rule of principle, which is also valid with regard to Protocol II, is itself rendered more specific by a number of other provisions applicable as soon as the treaty enters into force. One of these provisions, aimed at assisting the Parties in the fulfilment of their obligations while at the same time keeping them informed of action taken by others, calls for the exchange of information

* This document is not reproduced in this issue. See above, p. 122.

between the Parties on measures of implementation taken by each of them. Though not explicitly mentioned in Protocol II, this rule of implementation should also be applied with regard to that instrument.

It is plain enough that the States have exchanged relatively little information on their national measures of implementation. How many of the Parties have actually met their primary obligation to take such measures is more difficult to determine.

Various approaches made by the ICRC in the past have made it possible to gather only partial information, concerning a limited number of States. In view of this fact and of the need to underline the importance of preparatory measures of implementation, the ICRC submitted a document on this matter to the Twenty-fifth International Conference, recalling the relevant rules, reporting on information received and proposing further action (*Annex 3*).

The national measures of implementation which form the subject of Resolution V, adopted by consensus at the Twenty-fifth International Conference, give rise to questions of both a general and a specific nature. The general questions concern, for example, the relationship between international law and the internal law of the State in question: what, in the internal legal system, are the rules applicable to the Conventions and Protocols in respect of the enforceability of the treaties concluded? Other examples would be the question of penal sanctions in case of grave breaches of the Conventions and of Protocol I; the protection of the red cross and red crescent emblem and the names "Red Cross" and "Red Crescent"; and prescriptions with regard to medical personnel, units and means of transport. Finally, in its Resolution XIV the above-mentioned International Conference stressed the importance of setting up National Information Bureaux in peacetime. The ICRC also hopes to receive brief replies following, as far as convenient, the indicative list contained in *Annex 3*.

As seen above, the Conventions and Protocol I require the Parties to exchange information on the measures of implementation taken by each of them. The ICRC insists on the importance of this exchange of information through the depositary, with regard to both the Conventions and the two Protocols, and hopes that it will be carried out in parallel with the present exercise.

RESPECT FOR INTERNATIONAL
HUMANITARIAN LAW

**National measures to implement the Geneva Conventions
and their Additional Protocols in peacetime**

*Document presented by
the International Committee of the Red Cross
to the Twenty-fifth International Conference
of the Red Cross
(Geneva, October 1986)*

1. Introduction

- 1.1. The necessity for implementation in peacetime
- 1.2. The legal bases of implementation in peacetime
- 1.3. Information received
- 1.4. Present needs

2. Measures of implementation (Indicative list)

- 2.1. First Convention
- 2.2. Second Convention
- 2.3. Third Convention
- 2.4. Fourth Convention
- 2.5. Protocol I
- 2.6. Protocol II

3. Draft resolution

1. Introduction

1.1. The necessity for implementation in peacetime

1.1.1. The first obvious indication is in the great volume and complexity of the whole body of law constituted by the four Geneva Conventions of 1949 and their two Additional Protocols of 1977 (referred to below as “humanitarian law”, “Conventions” and “Protocols”). This observation demonstrates the need to make this law known in an appropriate manner to all those whom it concerns—those who must apply it and those who will benefit from it. This aspect, the dissemination of humanitarian law, is dealt with in a separate report (C.I/2.4/1).

1.1.2. The second indication is the fact that in order to assure the faithful application of humanitarian law when it becomes applicable, every State party to the relevant treaties must take a certain number of internal measures. These measures, depending on the provisions concerned and the time when they become applicable, may be preparatory or may be finalized in legal or practical form. Only the constitution, the legal system and other characteristics of each State will make it possible to define precisely the measures it must take.

1.2. The legal bases of implementation in peacetime

1.2.1. Several provisions in humanitarian law refer to the general obligation to take necessary measures to ensure execution¹ of the law or deal with particular aspects of this obligation. The obligation itself results from the commitment by States party to the treaties which constitute humanitarian law to respect and to ensure respect for those treaties in all circumstances².

1.2.2. This primary obligation is reinforced by the provision requiring exchanges of information between the States, specified in the Conventions and

¹ Arts. 45 and 48 of the First Convention, 46 and 49 of the Second, 128 of the Third and 145 of the Fourth; Art. 80 of Protocol I.

² Art. 1 common to the four Conventions; Art. 1, para 1 of Protocol I. This provision embodies the principle that treaties in force must be executed in good faith (Vienna Convention on the Law of Treaties, Art. 26—*Pacta sunt servanda*). We must assume that the same duty of execution exists for Protocol II, even though it limits itself to the statement of fundamental rules and is silent in this respect.

in Protocol I ³. The Parties must communicate to one another as promptly as possible, through the depositary ⁴ and, if circumstances require, through the Protecting Powers, their official translations of the treaties and the laws and regulations they may adopt to assure their application.

1.3. Information received

1.3.1. On the basis of available information as of 15 May 1986, 35 of the 163 States party to the Conventions had submitted such translations, laws and regulations to the depositary for transmission to the other Parties. One State of the 57 Parties to Protocol I and the 50 Parties to Protocol II had done so.

1.3.2. With the support of the International Conference and thanks to the cooperation of National Societies, the ICRC in 1965 and 1969 was able to gather information on measures taken by 49 States to repress violations of the Conventions. ⁵

On other occasions, the ICRC was able to gather information of the same kind from approximately the same number of States about the protection of the emblem of the red cross and red crescent and of the name “Red Cross” and “Red Crescent”.

It also occurs relatively often, in response to repeated requests from the ICRC, that governments or National Societies inform the ICRC of national measures for implementation.

1.4. Present needs

In the light of the foregoing summary, the ICRC recognizes three types of need, noted below:

1.4.1. Study by each State of the measures it must take to ensure the application of the Conventions and Protocols—including, for measures already taken,

³ Art. 48 of the First Convention, 49 of the Second, 128 of the Third and 145 of the Fourth; Art. 84 of Protocol I. Even if it is not required by Protocol II, mutual information concerning this instrument would certainly be useful and opportune.

⁴ The Swiss Federal Council is the depositary of the Conventions and Protocols.

⁵ See reports entitled “Respect of the Geneva Conventions—Measures taken to Repress Violations”, Volumes I and II submitted by the ICRC respectively to the Twentieth International Conference at Vienna in 1965 and to the Twenty-first International Conference at Istanbul in 1969.

updating and possible additions. Such a study may be based on the indicative list under point 2, below.

1.4.2. Transmission of all relevant information and documents, including translations, through the depositary, to the other Parties to the Conventions.⁶ Enough copies of each document should be provided so that each recipient will have at least one. The value of this transmission will certainly be enhanced if, when the need arises, the documents are accompanied by translations into one of the internationally used languages.

1.4.3. Mutual exchanges of information between the Parties to international humanitarian law treaties is a specific obligation under those treaties. This is not the case for submission of the relevant information and documents to the ICRC,⁷ either through the intermediary of the depositary or directly. The ICRC nevertheless regards this kind of information essential to its efforts to carry out as effectively as possible the tasks incumbent upon it under Article VI of the Statutes of the International Red Cross. The ICRC would be glad to hear the views of the Conference on measures which could be useful to the States in implementing international humanitarian law. One example might be the creation of an *ad hoc* documentation centre whose structure and administration would have to be studied and whose function would be to meet the request of States for documentation.

2. Measures of implementation (indicative list)

2.1. First Convention⁸

Article 23: Hospital zones and localities.

Article 26: Protection of the personnel of Red Cross and Red Crescent Societies and other recognized aid societies.

⁶ This also applies to information concerning Protocol I, as specified in its Articles 84 and 100, sub-para c. The obligation to inform all Parties to the Conventions is justified in any event by the fact that all the Parties to the Conventions are called upon to become Parties to the Protocols.

⁷ In addition to resolutions asking for reports to the ICRC on measures taken with respect to dissemination, we may refer to Resolution XXVI of the Twentieth International Conference asking that it be given support and information needed to study the problem of repressing violations.

⁸ Indications relating to the Conventions are taken from their respective *Commentaries* (Article 48 of the First Convention, 49 of the Second, 128 of the Third and 145 of the Fourth). More details may be found in the *Commentary* on each of the relevant provisions.

Article 44: Restriction in the use of the emblem, and exceptions.

Article 49: Penal sanctions; general observations.

Article 53: Misuse of the emblem.

Article 54: Prevention of misuse of the emblem.

2.2. Second Convention

Article 13: Definitions of protected persons (particularly to determine, on the national level, what persons belong to the armed forces).

Article 42, para 3: Identity cards for medical and religious personnel.

Article 20: Burial at sea of the dead.

Articles 22, 24, 25: Characteristics of hospital ships (gross tonnage, length from stem to stern, number of masts and funnels and, if possible, photographs and silhouettes).

Article 45: Repression of misuse of the emblem.

Article 39, para 2: Identification of medical aircraft.

Article 48: Dissemination of the Convention.

Articles 50, 51, 52: Repression of abuses and infractions.

2.3. Third Convention

Article 4: Definitions of protected persons (especially to determine what persons are members of the armed forces).

Article 17: Identity cards for members of the armed forces.

Article 21: Laws and regulations concerning release on parole.

Article 43: Lists of titles and ranks.

Articles 69, 70, 71: Measures to take regarding prisoners' correspondence (especially the preparation of necessary correspondence forms).

Articles 74 and 124: Exemption from postal and transport charges (in particular the adaptation of postal regulations).

Article 120: Creation of a Graves Registration Service.

Article 122: Creation of national Information Bureau.

Article 127: Dissemination of the Convention.

Articles 129, 130, 131: Repression of abuses and infractions.

In addition, *Part III, Section VI, Chapter III*, dealing with penal and disciplinary sanctions, requires the Detaining Power to adapt its legislation, if necessary, to provisions of the Convention (Article 82, para 1).

Other provisions of the Convention, in some cases, may also call for adaptations or updating of national legislation or administrative regulations, whether relating to general conditions of internment or with such particular problems as the working conditions of prisoners (*Part III, Section III*), their financial resources and transfers of funds (*Part III, Section IV*), the dispatch and reception of relief shipments (*Articles 72 and 74*), etc.

2.4. Fourth Convention

Several provisions of this Convention call for adaptations or innovations in national legislation, depending on the country in question, for instance:

Penal sanctions

Regulations for internment

Creation of safety zones

Protection of civilian hospitals

Use of the red cross or red crescent emblem

Identification of small children

2.5. Protocol I⁹

Article 6—Qualified persons

The training of qualified personnel required by this Article is a permanent task for the Parties to the Protocol and for the National Red Cross and Red Crescent Societies.

Article 12—Protection of medical units

Para 2, sub-para b: Recognition and authorization of civilian medical units must be effected as soon as possible.

Para 4: Care must be taken at all times that medical units are so sited that they will not be endangered by attacks on military objectives.

Article 16—General protection of medical duties

Only appropriate legislation can effectively ensure the protection of medical duties.

⁹ Indications relating to Protocol I are taken from its Commentary (Article 80). The relative newness of the Protocols appeared to justify giving more detail than in the case of the Conventions.

Article 18—Identification

As soon as possible, all steps must be taken to assure the identification of medical personnel, units and transports.

*Article 22—Hospital ships and coastal rescue craft
and*

Article 23—Other medical ships and craft

Regulations promulgated under Chapter III of the Second Convention should be adapted and extended to the ships and craft specified in these Articles of Protocol I.

Articles 24, 25, 26, 27, 28, 29, 30, 31—Protection of medical aircraft

The procedures for notification and agreement concerning medical aircraft specified in Article 29 should be established in time of peace (see also Article 12 of Annex I). It is in the interest of medical aviation that the measures for identification of medical aircraft should be taken (see Articles 5 to 13 of Annex I).

Article 33—Missing persons

Plan for the organization of searches, registration and communication of information.

Article 34—Remains of the deceased

Provide for a service to be responsible for executing this Article or assign the duty to an existing service.

Article 36—New weapons

Measures should be taken to determine in the study, development, acquisition or adoption of a new weapon, means or method of warfare whether its employment would be prohibited, in some or all circumstances, by provisions of the Protocol or by any other rule of international law applicable to the Party concerned.

Article 43—Armed forces

The armed forces must have an internal disciplinary system which enforces compliance with international law applicable in armed conflicts. The notification required by para 3 may be made in peacetime.

Article 45—Protection of persons who have taken part in hostilities

A judicial procedure must be provided for to determine the status of any person who is not detained as a prisoner of war and who is to be tried for an offence arising out of the hostilities.

Article 56—Protection of works and installations containing dangerous forces

The following rules, among others, are applicable at all times: military objectives should not be placed at or in the vicinity of these works and installations; efforts should be made to enhance the protection of these works

by agreements between the Parties; they should be marked with the special sign (see Article 16 of Annex I).

Article 58—Precautions against the effects of attacks

Fixed military objectives should be constructed as far away as possible from densely populated areas and the measures necessary to protect the civilian population should be planned. (The word “attack” is defined in para 1 of Article 49—Definition of attacks and scope of application).

Article 60—Demilitarized zones

Agreements may be made in peacetime for the creation of demilitarized zones.

Articles 61, 62, 63, 64, 65, 66, 67—Civil defence

For civil defence to benefit from the guarantees offered by the Protocol, its organization must conform to the requirements of Articles 61 to 67. It is particularly important to assure correct identification.

Article 74—Reunion of dispersed families

Care should be taken to assure that security rules provided for times of armed conflict do not constitute obstacles to the reunion of dispersed families.

Article 75—Fundamental guarantees

The guarantees of humane treatment and the judicial guarantees in this Article must be assured, at the national level, by adequate legislation applicable in times of armed conflict.

Article 76—Protection of women

The same remark applies as for Article 75.

Article 77—Protection of children

The same remark applies as for Article 75. In particular, all possible measures must be taken in practical terms to make sure that children under the age of 15 years do not take a direct part in hostilities.

Article 78—Evacuation of children

Designate the body which will be responsible for this task in times of armed conflict.

Article 79—Measures of protection for journalists

The necessary measures for issuance of the identity card should be made so that it will be available as soon as the Protocol enters into effect.

Article 80—Measures for execution

The present list indicates measures to take in peacetime. Orders and instructions to ensure observance of the Conventions and the Protocol should also be incorporated into regulations and military manuals.

Article 82—Legal advisers in armed forces

The legal advisers should already be trained and available in peacetime.

Article 83—Dissemination

Dissemination of the Conventions and the Protocol is a permanent obligation. The Parties should incorporate study of these instruments in programmes of military training and also encourage such study by the civilian population.

Article 84—Rules of application

Communication of translations of the Protocol and the laws and regulations adopted to ensure its application should take place as soon as possible.

Article 85—Repression of breaches of the Protocol

National penal legislation should provide for repression of the breaches enumerated in this Article.

Article 86—Failure to act

National penal legislation should be adapted, if necessary, to give effect to this Article.

Article 87—Duty of commanders

The Parties, starting in peacetime, should give suitable instructions to their military commanders in order to ensure that the measures referred to in this Article are taken, in particular with regard to assuring respect by their subordinates for the Conventions and the Protocol.

Article 88—Mutual assistance in criminal matters

Necessary legislation to ensure mutual legal assistance and cooperation in extradition should be adopted in peacetime.

Article 90—International Fact-Finding Commission

The declaration of recognition of the competence of the Commission referred to in para 2, sub-paras *a* and *b* can be made at any time.

Article 97—Amendment

and

Article 98—Revision of Annex I

The necessary measures should be taken to give effect to any amendments of the Protocol or of its Annex I which are accepted by the Party concerned.

Annex I—Regulations concerning identification

See comments on Articles 18, 24 to 31, 56, 61 to 67 and 98.

Annex II—Identity card for journalists on dangerous professional missions

See comment on Article 79.

2.6. Protocol II ¹⁰

Article 4—Fundamental guarantees

The fundamental guarantees referred to in this Article should be secured, on the national level, by adequate legislation applicable in the event of non-international armed conflicts.

Article 5—Persons whose liberty has been restricted

Regulations concerning the detention of persons referred to in this Article should conform to the provisions of the Article.

Article 6—Penal prosecutions

The fundamental guarantees, judicial and otherwise, should be secured on the national level by adequate legislation applicable in the event of non-international armed conflicts.

Article 10—General protection of medical duties

Only appropriate legislation can effectively ensure protection of medical duties.

Article 19—Dissemination

Dissemination of the Conventions and the Protocols is a permanent obligation.

3. Draft Resolution

National measures to implement humanitarian law

The XXVth International Conference of the Red Cross,

Recalling that the States party to the Geneva Conventions and their additional Protocols have the duty of taking without delay all necessary measures to ensure the application of these treaties,

Considering that the duty of the Parties to inform one another of the measures taken to this effect is also an essential obligation,

Aware that the transmission to the ICRC of all relevant information and documents will better enable it to discharge its statutory mandate with respect to the promotion and implementation of humanitarian law, especially by providing advice which may be requested of it,

¹⁰ These indications are taken from “Implementation of the Protocols”, published in the *International Review of the Red Cross*, No 217 July-August 1980, pp. 198-199 and issued as a reprint.

Recalling the previous resolutions on this subject, especially Resolution XXVI of the Twentieth Conference and Resolution IV of the Centennial Congress,

1. *Takes note* of the report by the ICRC,

2. *Invites each State* to consider the measure it should take to ensure the implementation of the Conventions and Protocols and to review measures already taken toward this end.

3. *Requests the States*, through the Swiss Federal Council, to inform one another and the ICRC of measures taken and under consideration for this purpose.

4. *Requests the ICRC*

a) to follow up this question and to take all useful measures in this domain, in cooperation with the depositary and the National Societies;

b) to report to the next International Conference.

125th ANNIVERSARY OF THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT

The commemoration of the 125th Anniversary of the Movement will last until October 1989 and will provide a unique opportunity to make the general public, and especially young people, aware of the ideals and the humanitarian activities of the Red Cross and Red Crescent; it must also be a time to reflect upon the task accomplished by the Movement in 125 years of existence and on its prospects for the future.

The International Review of the Red Cross has therefore invited a number of men and women who have rendered outstanding services to the Red Cross and Red Crescent and have marked the life of the Movement in recent years, including persons not actually belonging to the Movement but who are deeply committed to its principles and activities, theorists and people involved in field work, leaders of National Societies and simple volunteers, to give us a personal account of their experiences and share their memories with us, in short to tell us what the Red Cross or the Red Crescent has meant to them in times of hardship and in their lives in general, and why they believe in the timeless value of Henry Dunant's message.

Mr B. Chenot, who is the Permanent Secretary of the Académie des Sciences morales et politiques of the Institut de France, a former French Minister of Health and former Minister of Justice, explains in his article entitled "The International Red Cross" in what circumstances he called on the Red Cross for assistance in 1961, when he was keeper of the Seals, and why he thinks that in this troubled world of ours the Red Cross "brings . . . a ray of light and hope".

The International Red Cross*

by Bernard Chenot

On 12 November 1961, at the height of the Algerian crisis, I received the following handwritten note from then French President Charles de Gaulle: "In dealing with the Ben Bella¹ affair, we must avoid becoming bogged down in legalities; what we must do is ensure that no accidents happen. I hold the Minister of Justice to be directly responsible in this matter, for it is a major affair of State".

I mention this at the outset because for me it evokes a difficult situation which happily was resolved at the national level, thanks to discreet action by the International Red Cross. This organization carried out its essential mission with absolute impartiality. I have owed it a debt of gratitude for the past 25 years and I would therefore like to give a brief outline of that situation before going on to look at the history of the Red Cross and its ever-growing tasks in our troubled world.

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* Based on the text of a lecture given in December 1986 to the annual public meeting of the *Académie des Sciences morales et politiques of the Institut de France*.

In October 1986, the Twenty-fifth International Conference of the Red Cross adopted new statutes for what is now known as the International Red Cross and Red Crescent Movement. This movement, which is also known as the International Red Cross, consists of the recognized National Red Cross and Red Crescent Societies around the world, the International Committee of the Red Cross (ICRC) and the League of Red Cross and Red Crescent Societies.

¹ Mohammed Ben Bella, leader of forces fighting for Algerian independence against the French. While flying from Morocco to Tunisia in 1956, his aircraft was forced by the French to land in Algiers and he was then interned in France until Algerian independence in 1962.

By late 1961, the French government was facing both an insurrection by Algerians demanding independence, and armed violence by others demanding that Algeria remain French. The nation's prisons had become battlefields. When I took up my portfolio as Minister of Justice I found a chaotic situation. A literal open-door policy was in force and in most prisons there were several hundred Algerian detainees moving freely from cell to cell, day and night.

They thus lived in what amounted to a no-go area for the guards. Strict discipline was enforced by certain detainees who acted as leaders and formed, according to a report which I saw, "a clandestine but omnipotent structure".

The leaders of the rebellion—of whom Ben Bella was the most important—were interned in the Château de Turquant in very special conditions. It could be said that the conditions they enjoyed were a result of the guilt feelings of successive governments owing to the circumstances in which they had been captured towards the end of the Fourth Republic, and of the idea which was gaining ground that these men could play a role in settling the Algerian crisis.

It was a strange situation in which thousands of detainees chose representatives who dealt with the administration on an equal footing, in which the leaders, though internees, found themselves at the centre of serious diplomatic disputes, for example between Morocco and France. They embodied one hope for a solution to end what was known as "the Algerian war".

At the beginning of October, I had to remind the people in charge of the prison services that they had better put an end to the open-door system in which the detainees had the run of the prisons and the guards, as a result, did not.

In response to the authorities' move, the leaders in the Château de Turquant decided to go on hunger strike and later to instruct some 5,000 Moslem detainees to do the same.

What was to be done? My first instinct as former Minister of Public Health was to turn to the medical profession for advice. I asked three eminent physicians to come to the Château de Turquant but the Château's involuntary guests, Ben Bella, Mohammed Khider, Mohammed Boudiaff and Hocine Ait Ahmed, refused to receive them. The doctors' professional code of ethics required them to accept this and they merely warned the leading hunger-strikers that even if they survived they risked permanent damage. The latter also refused to see Madame Laporte, who had been delegated by the French Red Cross, as soon as they saw her National Society badge.

I then took two decisions. The first was to transfer them—against their will if necessary—to a hospital in the Paris area. That precarious undertaking is a story in itself, though it was ultimately successful.

The second decision was to place them under observation by a medical commission whose competence would be universally recognized and at the same time call upon the moral authority of the International Red Cross.

I remain very grateful to the International Red Cross and to the delegate it sent, the late Mr. Pierre Boissier. Not only was that thankless mission accepted but the date on which it was to begin was brought forward to 13 November 1961 and the delegation, which had been granted absolute freedom of enquiry, immediately began a round of visits to French prisons.

In the meantime, the medical commission met, composed of leading French specialists. Its initial report to me spoke of “a major risk of sudden death, though this is difficult to judge without being able to examine the hunger-strikers. . . Any attempt at force-feeding (would be) particularly dangerous. . . The only reasonable course of action is to try to persuade them to stop. We would be willing to take part in such an effort”.

The International Red Cross completed its enquiry. Its delegates visited Ben Bella and told him that, having inspected our prisons, they felt that nothing there warranted protest. If Ben Bella and Boudiaff persisted, the International Red Cross could only conclude that they alone would be responsible for the deteriorating condition of several thousand detainees. That was on 20 November 1961. On 21 November, Ben Bella informed me through Jean Hamburger, a member of the commission, that he intended to call off his hunger-strike and order it stopped in the prison. He did so that same day.

This then was an episode that ended well and I am grateful in equal measure to “my” doctors, among whom Jean Hamburger played a decisive role, and to the International Red Cross which threw the full weight of its moral authority into the balance in which those difficult men weighed their decision.

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The history of the Red Cross is too well known for us to spend time on it here. The astonishing thing is that that mighty institution in Geneva was born of the initiative and unconquerable will of one man

whom nothing had prepared to play such a role, and who stepped aside after setting up a marvellous structure for the benefit of the most severely deprived and direly threatened among our fellow human beings—the wounded, the prisoners, the children, the victims of armed conflict and natural disaster.

It was the warmth of Christian charity which rose in Henry Dunant's breast and kindled the fire of action following the battle of Solferino.

He was not a doctor; he was 30 years old, alone, and had nothing to do with the bloody fighting in which Austrian, Sardinian and French troops had just slaughtered each other. It was the sight of wounded men, lying abandoned on the battlefield or impossibly crowded together in a church, which lit that flame in Dunant's heart. Within a few hours, he had appealed to many people, without thought of their nationality—people of Castiglione, tourists, a doctor who had just been taken prisoner, etc.—and organized them into a team to help the wounded, tending them without any discrimination. In his book *A Memory of Solferino*, published three years later in 1862, Dunant set forth several principles which govern the work of the Red Cross to this day: he proposed that relief societies be formed in every country to train volunteers who would care for wounded soldiers regardless of their nationality. Things moved quickly after that and one year later, in 1863, 16 States held a conference in Geneva. In 1864, the first Geneva Convention was signed and an international committee created; an emblem, its form paying tribute to Switzerland, was adopted. A short time later, Henry Dunant faded from the scene. The pioneer, whose faith had moved mountains, saw his personal life collapse. He withdrew with dignity and was not seen again in public for many years until he received the Nobel Peace Prize. And how he deserved that Prize! But soon after his merits had thus been duly acknowledged, he died in Heiden, Switzerland, in 1910.

The Franco-Prussian War of 1870 and the First and Second World Wars posed new problems for the Red Cross. Progress in military technology brought civilians into the thick of armed conflict; assisting prisoners of war became a large-scale operation; the number of wars undeclared as such, either internal or fuelled by alien enmities, rose and the distinction between natural and man-made disaster blurred. It became necessary to act, quickly and everywhere.

The Red Cross was able to face these new challenges thanks to its tradition and the privilege made possible by Swiss neutrality. Whether they wanted to or not, everyone had to recognize the moral authority of the Geneva-based institution.

The fruit of its labour following the Second World War is now there for all to see.

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What is it about the Red Cross that makes it able to face such challenges? Its structure is less well-known than its history. The Red Cross is above all a Movement with 250 million members throughout the world. It consists, in addition to the ICRC, of 145 National Red Cross or Red Crescent Societies and their federation, the League of Red Cross and Red Crescent Societies.

The 1864 Geneva Convention was succeeded by several others; there are now four Geneva Conventions and 165 States are party to them. The 1864 Convention referred only to the red cross but a second emblem, the red crescent, came into existence several years later and receives equal recognition. For although the cross was chosen as a tribute to Switzerland and has no religious significance, the Ottoman Society for Relief to the Wounded decided in 1876, during the Russo-Turkish War, to renounce the cross in favour of a red crescent.

Every four years an International Conference of the Red Cross and Red Crescent is held. In addition to the representatives of the National Red Cross and Red Crescent Societies, the League and the ICRC, the Conference is attended by delegates from the States party to the Geneva Conventions.

But the nucleus of the Movement, the direct descendant of the institution created in 1863 by Henry Dunant, Gustave Moynier and the Swiss general Henri Dufour, is the Committee with 25 members, all of them Swiss, which has its headquarters in Geneva. This is the International Committee of the Red Cross, the guardian of the Movement's traditions and principles: total independence from government authority, absolute political neutrality, and protection and assistance for all victims of natural or man-made disaster, regardless of their nationality, religion or political allegiance. The Committee recruits new members by co-optation. I thank Maurice Aubert, Vice-President of the ICRC, and Ambassador Louis Dauge, President of the French Red Cross, for the information upon which this account is based.

It is certain that whatever the quality of the individuals involved, the principles of independence and neutrality which are the ICRC's strength cannot be found with such purity in all those other bodies around the world which serve the Red Cross and Red Crescent Move-

ment. The contingencies of international life and the diversity of political systems make the moral authority of the ICRC unique and mean that, willingly or reluctantly, every government and even every revolutionary movement seeking to replace a government must take it into consideration. To cite but one example, at the end of the Italian fascists' war on Ethiopia Field-Marshal Badoglio remarked with a sigh, "The Red Cross would have done better to keep out of this." With the shortcomings of the League of Nations there did indeed remain only the International Red Cross to bring assistance to the victims of the conflict—several of its delegates gave their lives in doing so—and to protest against the bombing of hospitals and ambulances by Mussolini's air force.

And there are people today who more or less openly share Badoglio's views.

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So where and how does the ICRC work? We should not imagine a circle of wise old men sitting on comfortable chairs in Geneva and merely issuing opinions, directives and verdicts—far from it! It is in the field that the Red Cross does its work and the means at its disposal are today much more formidable than they once were.

The task is tremendous and requires a great deal of manpower. Most ICRC operations are at present located in developing countries, for those countries are often the belligerents or simply the arena in which clashes between the great powers take place. Since the Second World War, the great powers have been wont to do battle by remote control, using Third World countries as surrogates. Countries believing that they are settling disputes with their neighbours or within their borders become, whether they realize it or not, soldiers fighting on behalf of the great powers. And the suffering they endure is no less because of it. The same fire, the same blood, and now organized famine has become a method of waging wars, wars which remain "cold" only for the countries which foment them. In such chaotic situations the Red Cross works with a degree of discretion which many of us would like to see emulated by all good-will organizations that have taken on similar tasks. Such discretion strengthens the moral authority of the International Red Cross and enables it to intervene, often successfully, to give assistance and act as a neutral intermediary. The resources deployed are considerable.

The ICRC currently has nearly 1,100 full-time employees. It has 44 delegations abroad which employ more than 2,300 locally recruited personnel.

The ICRC is mainly geared to take action in armed conflicts, whereas the League co-ordinates relief activities among National Societies to deal with natural disasters, during which their co-operation probably requires less delicacy. A Standing Commission co-ordinates activities between the ICRC and the League.

Liaison and co-ordination are further facilitated by the International Conference of the Red Cross and Red Crescent which takes place every four years; the last was held in Geneva in 1986. It brings together the ICRC, the League, the National Red Cross and Red Crescent Societies and the States party to the Geneva Conventions. It is a kind of parliament in which useful work is done, and the meeting place should ensure a minimum of tranquility for the participants. Yet it must be acknowledged that the resolutions and so on adopted at such gatherings carry little more weight than those voted by United Nations General Assemblies. The ICRC remains the guardian and guarantor of the fundamental principles of the Red Cross and Red Crescent, but these can be misinterpreted when political considerations hold sway. That is what happened at the 1986 Conference when the South African government delegation was banned, by a majority vote, from taking part in the work of the Conference.

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When natural disaster strikes, the key role in the Movement's response is played by the League. The task involved is mainly shouldered by the National Societies in the countries affected, with support from the League and assistance from other Societies and the ICRC. There were two recent examples of this in the Sahel and in Cameroon.

Operation "Sahel 84" was initiated by Msgr. Lustiger, the Archbishop of Paris. The French Red Cross, as is usual in French-speaking Africa, carried out most of the work. Lorries dubbed "bearers of hope" rolled through the region during 1984-1985 distributing food and medicaments to the drought-stricken population. The National Red Cross and Red Crescent Societies of former French colonies took part in this operation, a much more useful way to send large vehicles through the Sahel than the much-glorified Paris-Dakar road rally!

The disaster that struck Cameroon in 1986 was of volcanic origin—emanations of toxic gases. A relief operation was quickly mounted by the French Red Cross—too quickly, some say, but was there time to wait? With 1,200 people dead, another 3,000 fleeing the area and 2,500 head of livestock lost, Spain, Germany and National Societies from the region immediately gave help. The second phase of the operations is now to restore the economic structure and reintegrate the refugees. The local Red Cross has the primary role in this.

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Alas, it must be recognized that armed conflict has graver consequences than natural disaster. It is therefore more difficult, and sometimes even impossible, to protect and assist the victims of armed conflict. In such circumstances it is the ICRC, upholding its principles with the strength born of years of experience, which plays the main part.

Today's armed conflicts are characterized by their complexity and increasing length. A great many people are affected by them and this means that the ICRC must mobilize considerable resources, both material and human. Its activities are often restricted by the dictates of security. In addition to coping with emergency situations, the ICRC must also do its utmost to ensure that the right of the victims to receive assistance is universally acknowledged. This right is demonstrated by action, which itself requires constant humanitarian diplomacy. In spite of its strict neutrality, the ICRC must work at the hub of extreme political tensions which frequently make it difficult for the institution to gain due recognition for its mandate.

The growing size of ICRC operations is also cause for concern. In 1984-1985, the ICRC came to the aid of one million people in Ethiopia. In 1988, it is once more necessary to provide massive assistance in that country. To be able to do so, the ICRC appealed last November for "open roads for survival", for a kind of truce to ease the grip of famine and enable assistance to be brought where it was needed, thus averting large-scale population movements in search of food. The situation in Mozambique and Angola also illustrates the difficulties encountered in humanitarian work.

Afghanistan is another example of a conflict of long duration. The ICRC has for several years been assisting people wounded in that conflict and striving to develop a more extensive protection programme. Then, finally, there is Sri Lanka where the ICRC has still not received

permission to work but is persisting in its approaches to the authorities concerned.

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And there are many further examples throughout the world! Returning to Geneva, we find another major element of the ICRC's work, the Central Tracing Agency, which was formed to meet an imperative need. Under the four Geneva Conventions adopted in 1949 and now ratified by 165 States, provision is made for the ICRC to offer its services to belligerents for the tracing of missing persons and the reunification of families. The Central Tracing Agency has meanwhile processed over 50 million index cards. This activity, conducted under the auspices of the ICRC, has taken on a new dimension since the wars of 1870, 1914-18 and 1939-45. As well as prisoners of war it now covers political detainees. It is carried out not only in cases of international armed conflict but also during international conflicts which these days are often prompted by undercurrents of an alien international war. The ICRC offers its services and those authorities which accept them must at the same time accept the ICRC's conditions—visits to the places of detention and personal communication with the detainees. If its offer is refused, what can the ICRC do but note and deplore the refusal?

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It is clear that the main strength of the International Red Cross lies in its moral authority and the institution imposes constraints upon itself to preserve it. It remains aloof from all political controversy. It refuses to condemn any form of government. It denounces abuses of power when it considers that such denunciation will do some good but it does not divulge all that it has observed in the course of its missions. The ICRC's duty to remain discreet is certainly not image-building, but its humanitarian work largely depends on its compliance with it. This discreet, non-committal approach governs the ICRC's activities and is the *sine qua non* of its efficacy.

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Such conduct may well be a constraint, but it is also a strength. The story from the Algerian War which began this account is a case in point. The ICRC has, whatever the personal views of those who run it, been able to preserve a political neutrality conducive to objectivity.

This flexibility has its limits. The International Red Cross deploys its personnel and resources undeterred by the heat of battle, but never contrary to its fundamental principles. It will not risk its emblem, and all it implies, where the rules governing its work are not accepted or where it will not be in a position to ensure respect for them. France obtained the ICRC's consent to intervene in 1961 by allowing the delegates to visit freely all places of detention, interview any detainee without witness and pass on any family messages entrusted to it. Likewise, the Red Cross today refuses to provide assistance and make visits if, under whatever pretext, its work will be restricted or somehow used for other than humanitarian purposes. Finally, it preserves complete neutrality by refusing to pronounce judgment on issues which could conceivably take on a political colour such as disarmament, nuclear weapons or unbridled pacifism.

In this way the International Red Cross stands apart from political controversy and latent or open international hostility. True to its ideals and self-imposed constraints, demanding respect for its principles at all times, it brings a ray of light and hope into this tormented world. Though it works in silence, the work it accomplishes is beyond all measure.

Bernard Chenot
Secretary for life
French Académie des Sciences
morales et politiques

RECENT ICRC PUBLICATIONS

● **Index of International Humanitarian Law**

A revised and enlarged edition of the *Index of the Geneva Conventions for the Protection of War Victims of 12 August 1949*. The Washington College of Law, American University. Editors: Waldemar A. Solf, Adjunct Professor/Senior Fellow, Washington College of Law Institute, and J. Ashley Roach, Captain, Judge Advocate General's Corps, US Navy, 284 pp., format 16 × 23 cm. Price: Sfr. 20.— or US\$ 15 (*in English*).

● **Handbook on the Law of War and the Armed Forces** by Frédéric de Mulinen

The purpose of this handbook is twofold—to serve as a reference book for national and international courses on the law of war, and as a code of conduct for the armed forces.

The work, which was originally conceived for senior officers and staff members, is supplemented by a *Summary for Commanders* (containing no reference to law) and the *Rules for Behaviour in Action*, which is meant to be used as a teaching aid. These supplementary sections also exist as an offprint (16 pp.).

This handbook has 256 pages and its format is 15.5 × 23 cm. *French* and *Spanish* versions are planned. Price: Sfr. 20 or US\$ 15.

● **“The ICRC worldwide”**

Summary of the institution's activities in 1987. This 28-page illustrated booklet is principally intended for the general public. It is published in *English*, *French*, *German*, *Spanish* and *Arabic*.

Orders should be sent to:
International Committee of the Red Cross
(INFO/EDOC)
17, Avenue de la Paix
1202 Geneva
Switzerland

INTERNATIONAL COMMITTEE OF THE RED CROSS

ICRC Statutes brought into line with the revised Statutes of the International Red Cross and Red Crescent Movement

The Twenty-fifth International Conference of the Red Cross, held in Geneva in October 1986, revised the 1952 Statutes of the International Red Cross, most of whose provisions dated back to 1928. The Conference thus adopted two drafts which had been submitted for its consideration, respectively entitled "Statutes of the International Red Cross and Red Crescent Movement" and "Rules of Procedure" of the Movement.

Article 5 of the Statutes of the Movement is devoted to the International Committee of the Red Cross (ICRC). This Article is not identical to the corresponding articles either in the former Statutes of 1952 or in the ICRC Statutes of 21 June 1973. The ICRC representatives in the joint ICRC/League working group on the revision of the Statutes of the International Red Cross, in agreement with the other members of the group, were of the opinion that the revision of the Statutes of the International Red Cross provided an ideal opportunity to improve some of the wording of the Statutes and to eliminate a few obvious flaws in the English and Spanish versions of the ICRC Statutes.

*The ICRC had given an assurance that it would bring its own Statutes into line with the new Statutes of the Movement, once the latter were adopted. The ICRC Assembly proceeded accordingly at its meeting of 20 January 1988 and decided on the modifications to be made, which affect only Articles 1 to 6 of the ICRC Statutes. **The previous wording is given on the left-hand page and the new text is printed on the right-hand page.** The passages underlined indicate where changes have been made. It should be noted, however, that the introduction of a new Article 6 entitled "Relations outside the Movement", corresponding to a provision in the Statutes of the Movement but which previously had no counterpart in the ICRC Statutes, means that all subsequent articles have had to be renumbered. Thus Articles 7 to 15 are identical to former Articles 6 to 14.*

STATUTES OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS

*(Adopted on 21 June 1973, revised on 6 December 1973, 1 May 1974,
14 September 1977 and 29 April 1982)*

ARTICLE 1

International Committee of the Red Cross

1. The International Committee of the Red Cross (ICRC), founded in Geneva in 1863 and formally recognized in the Geneva Conventions and by International Conferences of the Red Cross, shall be an independent organization having its own Statutes.

2. It shall be a constituent part of the International Red Cross ¹.

ARTICLE 2

Legal Status

As an association governed by Article 60 and following of the Swiss Civil Code, the ICRC shall have legal personality.

ARTICLE 3

Headquarters and Emblem

The Headquarters of the ICRC shall be in Geneva.

Its emblem shall be a red cross on a white ground. Its motto shall be *Inter arma caritas*.

¹ The International Red Cross comprises the National Red Cross Societies, the International Committee of the Red Cross and the League of Red Cross Societies. The term "National Red Cross Societies" includes the Red Crescent Societies.

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2. It shall be a constituent part of the International Red Cross and Red Crescent Movement ¹.

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2. Its emblem shall be a red cross on a white ground. Its motto shall be *Inter arma caritas*. It shall likewise acknowledge the motto “Per humanitatem ad pacem”.

¹ The International Red Cross and Red Crescent Movement (the Movement) is also known as the International Red Cross. It comprises the National Red Cross and Red Crescent Societies (the National Societies), the International Committee of the Red Cross (the International Committee or the ICRC) and the League of Red Cross and Red Crescent Societies (the League).

ARTICLE 4

Role

1. The special role of the ICRC shall be:

- a)* to maintain the Fundamental Principles of the Red Cross as proclaimed by the XXth International Conference of the Red Cross;
- b)* to recognize any newly established or reconstituted National Red Cross Society which fulfils the conditions for recognition in force, and to notify other National Societies of such recognition;
- c)* to undertake the tasks incumbent on it under the Geneva Conventions, to work for the faithful application of these Conventions and to take cognizance of any complaints regarding alleged breaches of the humanitarian Conventions;
- d)* to take action in its capacity as a neutral institution, especially in case of war, civil war or internal strife; to endeavour to ensure at all times that the military and civilian victims of such conflicts and of their direct results receive protection and assistance, and to serve, in humanitarian matters, as an intermediary between the parties;
- e)* to ensure the operation of the Central Information Agencies provided for in the Geneva Conventions;
- f)* to contribute, in view of such conflicts, to the preparation and development of medical personnel and medical equipment, in co-operation with other Red Cross organizations, the medical services of the armed forces and other competent authorities;
- g)* to work for the continual improvement of humanitarian international law and for the better understanding and dissemination of the Geneva Conventions and to prepare for their possible extension;
- h)* to accept the mandates entrusted to it by the International Conferences of the Red Cross.

2. The ICRC may also take any humanitarian initiative which comes within its role as a specifically neutral and independent institution and consider any question requiring examination by such an institution.

ARTICLE 4

Role

1. The role of the ICRC shall be in particular:
 - a) to maintain and disseminate the Fundamental Principles of the Movement, namely humanity, impartiality, neutrality, independence, voluntary service, unity and universality;
 - b) to recognize any newly established or reconstituted National Society, which fulfils the conditions for recognition set out in the Statutes of the Movement, and to notify other National Societies of such recognition;
 - c) to undertake the tasks incumbent upon it under the Geneva Conventions ², to work for the faithful application of international humanitarian law applicable in armed conflicts and to take cognizance of any complaints based on alleged breaches of that law;
 - d) to endeavour at all times—as a neutral institution whose humanitarian work is carried out particularly in time of international and other armed conflicts or internal strife—to ensure the protection of and assistance to military and civilian victims of such events and of their direct results;
 - e) to ensure the operation of the Central Tracing Agency as provided in the Geneva Conventions;
 - f) to contribute, in anticipation of armed conflicts, to the training of medical personnel and the preparation of medical equipment, in co-operation with the National Societies, the military and civilian medical services and other competent authorities;
 - g) to work for the understanding and dissemination of knowledge of international humanitarian law applicable in armed conflicts and to prepare any development thereof;
 - h) to carry out mandates entrusted to it by the International Conference of the Red Cross and Red Crescent (the International Conference).
2. The ICRC may take any humanitarian initiative which comes within its role as a specifically neutral and independent institution and intermediary, and may consider any question requiring examination by such an institution.

² In the present Statutes the expression “Geneva Conventions” also covers their Additional Protocols for the States Parties to these Protocols.

ARTICLE 5

Relations with other Red Cross Institutions

1. The ICRC shall maintain close relations with the National Red Cross Societies and such representatives as they may accredit to it, and also with the League of Red Cross Societies. It shall co-operate with the latter in matters which concern the activities of both organizations.

2. Contact between the ICRC and the League shall be ensured by a meeting at least once a month of representatives of the two organizations. Such contact may furthermore be ensured by a representative of the ICRC accredited to the League and a representative of the League accredited to the ICRC.

There are no provisions concerning relations with institutions outside the International Red Cross.

ARTICLE 6

Membership of the ICRC

1. The ICRC shall co-opt its members from among Swiss citizens. It shall comprise fifteen to twenty-five members.

2. The rights and duties of members of the ICRC shall be laid down in internal regulations.

3. Members of the ICRC shall be subject to re-election every four years. After three terms of four years they must obtain a three-fourths majority of the full membership of the ICRC.

4. The ICRC may elect honorary members.

ARTICLE 5

Relations with other components of the Movement

1. The ICRC shall maintain close contact with National Societies. In agreement with them, it shall co-operate in matters of common concern, such as their preparation for action in times of armed conflict, respect for and development and ratification of the Geneva Conventions, and the dissemination of the Fundamental Principles and international humanitarian law.

2. In situations foreseen in Article 4, paragraph 1 d) and requiring co-ordinated assistance from National Societies of other countries, the ICRC in co-operation with the National Society of the country or countries concerned, shall co-ordinate such assistance in accordance with the agreements concluded with the League.

3. The ICRC shall maintain close contact with the League. It shall co-operate with it in matters of common concern in accordance with the Statutes of the Movement and the agreements concluded between the ICRC and the League.

ARTICLE 6

Relations outside the Movement

The ICRC shall maintain relations with governmental authorities and any national or international institution whose assistance it considers useful.

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ARTICLE 7

Assembly

1. The supreme policy-making body of the ICRC shall be the Assembly, which shall be of a collegial character. It shall lay down principles and general policy and supervise all ICRC activities.

2. The Assembly shall be composed of members of the ICRC. Its President and its two Vice-Presidents shall be President and Vice-Presidents of the ICRC.

ARTICLE 8

Executive Board

1. The Executive Board, a collegial body, shall be responsible for the general conduct of affairs. It shall exercise direct supervision over the administration of the ICRC.

2. The Executive Board shall comprise not more than seven members, chosen among the members of the ICRC.

3. The Assembly shall elect the members of the Executive Board.

4. The President of the ICRC shall preside over the Executive Board.

ARTICLE 9

Directorate

1. The Directorate, a collegiate body, shall be responsible for management in accordance with the decisions of the Assembly, the Executive Board and the President.

2. The functions and composition of the Directorate shall be laid down in regulations.

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ARTICLE 10
Financial commitments

All documents involving financial commitments on the part of the ICRC towards third parties must bear the signature of two persons duly authorized for the purpose by the Committee. Nevertheless, as an exceptional measure, it may give one of its members or delegates power to involve the ICRC in a financial commitment by his signature alone.

ARTICLE 11
Assets and financial verification

1. The principal assets of the ICRC shall be the contributions of National Red Cross Societies and of Governments, such gifts and bequests as it may receive and its income from securities.

2. These assets, and such capital funds as it may have at its disposal, shall alone, to the exclusion of any personal or collective liability of its members, guarantee commitments entered into by the ICRC. The utilization of the assets and funds shall be subject to independent financial verification.

3. Even in case of dissolution, members shall have no personal claim to the assets of the ICRC, which shall be used solely for humanitarian purposes.

ARTICLE 12
Rules of Procedure

The Assembly shall provide for the implementation of the present Statutes, *inter alia*, by establishing internal regulations.

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Revision

1. The Assembly may revise the present Statutes at any time. Revision shall be the subject of discussion at two different meetings, on the agendas of which it shall be an item.

2. The Statutes may be amended only if so decided by a final two-thirds majority vote of the members present and constituting at least half of the full membership of the ICRC.

ARTICLE 14

Coming into force

The present Statutes shall replace the Statutes of the International Committee of the Red Cross of 25 September 1952 and shall take effect as from 1 July 1973.

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Recent Missions by the President of the ICRC

1. Norway and Sweden

In response to invitations by the Red Cross Societies of Norway and Sweden and the respective governments of these countries, ICRC President Cornelio Sommaruga visited Oslo from 24 to 26 January and Stockholm from 27 to 29 January 1988.

In Norway, the President had talks with leaders of the Norwegian Red Cross, notably Mr. Björn Bruland, President, HRH Crown Princess Sonja, Vice-President, Mr. Odd Grann, Secretary General, Mr. A. Torbjørnsen, head of the International Department, and Mr. J. Egeland, head of Information. Mr. Sommaruga also had meetings with the following representatives of the Norwegian Government and public administration: Mr. Gunnar Berge, Minister for Finance, Mrs. Gjestebý, Secretary of State at the Ministry for Foreign Affairs, and Mrs. E. Nordbó, Secretary of State to the Prime Minister.

The President and his hosts discussed *inter alia* problems of financing the ICRC. The government representatives informed the President that a special contribution of 12 million Norwegian kroner—about 2.5 million Swiss francs—would be made in response to the appeal for Africa.

The President also explained current problems relating to ratification of the Additional Protocols.

At a press conference, the President outlined the present activities of the ICRC in different parts of the world, in particular Ethiopia, Sudan, Afghanistan, Israel and the occupied territories. The situations in Sri Lanka and Mozambique were also discussed.

President Sommaruga made an address at the Nobel Institute in Oslo on the subject, "Challenges to the implementation of International Humanitarian Law: an operational survey of activities of the International Committee of the Red Cross, from the Middle East to Central America".

He was received in private audience by HM King Olav V of Norway, patron of the Norwegian Red Cross, and Mr. Kåre Willoch, Chairman of the Foreign Affairs Committee of the Storting.

In Sweden, the ICRC President was received by Mrs. G. Goransson, Chairman of the Swedish Red Cross, HRH Princess Christina, Mrs. Magnuson, Vice-Chairman, Mr. A. Wijkman, Secretary General, and Mr. G. Bäckstrand, head of the Department for International Assistance. He discussed with them the question of financing the ICRC and several other subjects concerning the Movement, including National Society development, the information policy of the ICRC and events relating to the 125th anniversary.

The President also had talks with government representatives, including Mr. Pierre Schori, Secretary of State at the Ministry of Foreign Affairs, and Mr. P. Soderberg, Secretary of State at the Ministry of Development Co-operation.

Mr. Sommaruga expressed his particular appreciation for the generous support given by the Swedish Red Cross and the Swedish government to the special operations of the ICRC. He discussed problems relating to ratification of the Additional Protocols and thanked the Swedish Government for its diplomatic support in this connection.

President Sommaruga, in his talks with representatives of the Swedish Foreign Ministry, the Swedish International Development Agency (SIDA) and the Ministry for Development Co-operation, summarized the current activities of the ICRC.

He visited the rehabilitation centre for victims of torture, run by the National Society.

Finally, the ICRC President made a speech to an audience of scholars and diplomats at the Swedish Institute for Foreign Affairs on the challenges entailed in applying international humanitarian law in ICRC operational practice.

2. Southern Africa

President Sommaruga made official visits to five countries in southern Africa—Tanzania, Zambia, Malawi, Mozambique and Zimbabwe—from 12 to 20 February 1988.

In choosing southern Africa for his first official visit to that continent since assuming office at the head of the ICRC nine months earlier, Mr. Sommaruga wished to show the ICRC's profound concern at the

vast humanitarian needs resulting from conflicts in that part of the world. The great humanitarian problems resulting from mass displacements of the population in the interior of Mozambique and the difficult situation of refugees and persons returning to their homes are special subjects of ICRC concern.

During his visit, the ICRC President met the Heads of State of Tanzania, Zambia, Malawi, Mozambique and Zimbabwe, with whom he had constructive and stimulating discussions on matters which were also followed up in talks with ministers in the five countries.

The President emphasized the specific nature of the international humanitarian mandate of the ICRC, namely to take action with neutrality, independence and impartiality in conflict situations throughout the world, so as to protect and assist all the victims.

Expressing his appreciation for Ministerial Resolution 1059 relating to the ICRC, adopted by the Organization of African Unity (OAU) at Addis Abeba in 1986, Mr. Sommaruga thanked the Heads of State for the support they had given to the humanitarian action of the ICRC and its universally recognized humanitarian principles.

In a meeting at Lusaka with Mr. Kenneth Kaunda, Chairman of the OAU, the President of the ICRC raised a number of subjects of common concern to the two organizations.

At Harare, he had a similar exchange of views on humanitarian problems in Africa and other parts of the world with President Robert Mugabe, in the latter's capacity as Chairman of the Non-Aligned Movement.

The ICRC President had the opportunity of discussing a number of humanitarian subjects with representatives of the African National Congress (ANC), the Pan African Congress (PAC) and the South West Africa People's Organization (SWAPO).

Mr. Sommaruga also visited the headquarters of the National Red Cross Societies at Dar es Salaam, Lusaka, Lilongwe, Maputo and Harare. He discussed their humanitarian activities with their respective executive boards, with a view to increasing the ICRC's contribution in the domain of co-operation with these National Societies. At the end of his visit, expressing his deep concern over the present suffering of the people of Mozambique, which he discussed in detail at Maputo with President Chissano, the President of the ICRC said he was convinced that:

— everyone who cared about the vital humanitarian needs of the civilian population of Mozambique, wherever these women, children and other innocent people may be,

— everyone who had any influence on the events responsible for their tragic suffering, would understand his appeal and his fervent hope that the ICRC's entire humanitarian activities could be carried out, without hindrance and without delay.

3. Spain

At the invitation of the Spanish Government, President Sommaruga visited Spain from 1 to 5 March.

In Madrid, after being received by Their Majesties King Juan Carlos and Queen Sophia, the ICRC President had several working meetings with representatives of the Spanish Government, including Mr. J. M. Cabrera, Director General for International Organizations and Conferences of the Ministry for Foreign Affairs, Mr. F. Pepina-Robert, Secretary General of the Ministry for Foreign Affairs and Mr. R. Vera Huidoboro, Secretary of State for State Security. The main topics discussed were the current operations of the ICRC, ratification of the Additional Protocols by Spain, the financing of the ICRC and the question of visits to political detainees by ICRC delegates. A contribution of 40 million pesetas—500,000 Swiss francs—was confirmed for the ICRC's regular budget for 1988, double the amount contributed for 1987.

The President of the ICRC was also received by Mr. Felipe González, Prime Minister, and Mr. Francisco Fernández Ordóñez, Minister for Foreign Affairs. The Spanish Premier reaffirmed the country's diplomatic and financial support for the ICRC and said he was in favour of speeding up the procedure for ratification of the Additional Protocols.

Mr. Sommaruga had a working meeting with the directorate of the Spanish Red Cross and with Mr. Leocadio Marín, President of the National Society, and addressed a special plenary meeting of the National Society's supreme assembly.

During his stay the ICRC President also had the opportunity to speak to representatives of the press and audiovisual media and to deliver a speech to a select audience of 200 Madrid notables, including high officials and numerous members of the diplomatic corps, on "The ICRC, between politics and humanitarian action".

Finally, on 3 March, Mr. Sommaruga visited Barcelona, where he was received by Mr. Pascual Maragall, Mayor of the city, by the Director of the Organizing Committee for the 1992 Olympic Games, by Mr. Martí Jusmet, delegate of the Spanish Government in Catalonia, by Mr. A. Bassols, representative of the Government of the Autonomous Region of Catalonia and by the President and Directorate of the Catalan Assembly of the Spanish Red Cross.

The President of the Eastern Republic of Uruguay at the ICRC

Mr. Julio Maria Sanguinetti, President of the Eastern Republic of Uruguay, visited the headquarters of the International Committee of the Red Cross on 16 March 1988.

He was received by the ICRC President, Mr. Cornelio Sommaruga, together with several members of the Committee and other senior ICRC staff. Mr. Pär Stenbäck, Secretary General of the League of Red Cross and Red Crescent Societies, was also present.

Mr. Sanguinetti raised various questions of humanitarian interest in a private conversation with Mr. Sommaruga.

During his visit, the Uruguayan President was accompanied in particular by Mr. Luis Barrios Tassano, Minister of Foreign Affairs, and Mr. José Maria Araneo, Ambassador and Permanent Representative of Uruguay to the United Nations Office at Geneva.

*EXTERNAL ACTIVITIES**January-February 1988***Africa****Southern Africa**

The mission of the President of the ICRC in Southern Africa from 12 to 20 February is described on page ...

Ethiopia

Despite many difficulties, relief operations for hundreds of thousands of civilian victims of the conflict and drought continued at the beginning of 1988.

The difficulties encountered in delivering food to Tigre, one of the regions where the needs were greatest, forced the delegates on several occasions to postpone planned food distributions. In Wollo, the ICRC was still unable at the end of February to begin its relief programme.

More than 360,000 persons were given food aid in January and about 540,000 in February. But these results were not satisfactory to the ICRC, which had hoped at the end of 1987 to be able to come more quickly to the assistance of an even higher number of beneficiaries.

The first two months of 1988 demonstrated, however, that the open road policy advocated by the ICRC was by no means being systematically respected. At the end of February, food stocks located near the distribution points were dwindling at an alarming rate.

Southern Sudan

Because of an intensification of hostilities, especially in the region of Kapoeta, the ICRC surgical hospital at Lokichokio, on Kenyan territory near the Sudanese frontier, received a large number of wounded—71 in January and more than 150 in February—whereas in normal times it has only about 50 beds.

Uganda

The delegates continued their visits to places of detention in the capital (Luzira Upper, Luzira Remand, Central Police Station) and the provinces (Mbale and Moroto).

Of the 6,600 prisoners registered, 3,931 were detained under the authority of the National Resistance Army (NRA), which became the government army in 1986. Medical and food assistance, some leisure material and items of basic necessity were given by the delegates to the detainees.

Chad/Libya

In the second half of January ICRC delegates, including a medical delegate, went to Libya, where they visited 52 Chadian prisoners of war. The Chadian Government was informed of the results of this mission at the beginning of February and capture cards and family messages were handed over to government representatives.

Angola

After being suspended since 14 October 1987, following the tragic aircraft accident which claimed the lives of eight persons, ICRC activities were resumed on the Planalto on 22 February.

In view of the needs observed during initial assessments in the provinces of Huambo, Bié and Benguela, food distributions were planned for the beginning of March. In addition, two feeding centres were opened in the Huambo region in February.

Latin America

Missions by the delegate-general and his deputy

The delegate-general for Latin America met the new authorities of *Suriname*, including Mr. Shankar, President, and Mr. Arron, Vice-President and Prime Minister, during his mission in that country from 25 to 29 January. In the course of numerous meetings he gave the authorities a full account of the past activities and future objectives of the ICRC in Suriname, where a permanent ICRC delegate has been based since November 1987, including the role of the ICRC vis-à-vis the civilian population and in relation to a possible return of the refugees from French Guyana, dissemination of international humanitarian law among the armed forces, and strengthening of the operational capacity of the National Society.

In *Colombia*, on 3 and 4 February, the delegate-general discussed ICRC activities on behalf of detained persons with the Minister of Defence, General Samudio Molina.

Continuing his mission in *Peru*, the delegate-general informed the authorities of the ICRC's objectives and the difficulties it had faced for more than a year, both in gaining access to certain security detainees and in its work in areas where a state of emergency had been declared, notably in Ayacucho. On these questions, he had talks with the Ministers of Justice, Interior and Defence, the Attorney-General, the Chief of Police and the authorities of Ayacucho. Shortly after this mission, the head of the ICRC delegation in Peru also explained the ICRC's objectives concerning the emergency zones to the chief of the politico-military command of Ayacucho. (Some progress was made in March when the ICRC again received authorization to move freely within the province of Ayacucho.)

During his mission in Latin America, the delegate-general had talks with National Society leaders in every country visited.

The deputy delegate-general visited Haiti at the end of January, where he met the Chief of Staff of the Armed Forces and explained to him the role the ICRC could play with regard to detention. He also discussed the dissemination of international humanitarian law among the armed forces. His talks with leaders of the National Society dealt with the ICRC's plan of action to strengthen the operational capacity of the Haitian National Red Cross. The ICRC delegate based in Haiti subsequently had the opportunity of presenting the objectives of the ICRC to the new Head of State, President Manigat.

Opening of a delegation in Guatemala

On 19 January, the ICRC opened a delegation in *Guatemala*, where it intends to develop activities in the following domains: assistance to the displaced civilian population, visits to detainees, dissemination of international humanitarian law and support for the activities of the National Society.

Other activities

Security detainees were visited in *Chile*, *Colombia*, *Nicaragua* (where the ICRC at the end of February made a census of detainees in prisons under the authority of the National Penitentiary Service), *Peru* and *El Salvador*, while assistance programmes continued for civilian populations in *Nicaragua* and *El Salvador*.

The regional delegation in Buenos Aires carried out missions in *Bolivia*, *Paraguay* and *Uruguay* to discuss subjects of mutual interest with the authorities and/or the National Societies there. A similar mission in the *Dominican Republic* was carried out by the regional delegation from San José, Costa Rica.

Asia

Afghan conflict

Afghanistan — Pursuant to an agreement with the Afghan authorities in December, an ICRC team arrived in Kabul on 26 January to begin visits to detained persons. The team consisted of eight Swiss expatriates and included a doctor and two interpreters.

At the end of February, about 40 Afghan employees were working at the ICRC orthopaedic centre in Kabul, under the supervision of two ICRC technicians who trained them on the job. The centre's workshop started to produce crutches and artificial knees in January.

Pakistan — The ICRC delegation in Pakistan maintained regular contact with Afghan opposition movements with a view to gaining access to any prisoners they might be detaining.

The surgical hospitals in Peshawar and Quetta had two relatively calm months, with average occupancies, respectively, of 70% and 95%. The ICRC hospitals usually receive fewer patients in the winter months because many mountain passes are closed by snow and ice and it is difficult to get the wounded there from the interior of Afghanistan.

Burma

At the end of January, the agreement on co-operation between the ICRC and the Ministry of Defence for continued support for the orthopaedic centre at the military hospital in Rangoon was renewed for another year. The ICRC also continued its activities at the Rangoon hospital for civilian amputees, in co-operation with the Ministry of Health and the Burma Red Cross.

Kampuchean conflict

The ICRC continued its negotiations to be able to provide better protection for some 260,000 Khmer and Vietnamese civilians, displaced along the Khmer-Thai border and to gain access to all persons detained in connection with the conflict. In January and February, the three teams working at the ICRC hospital at Kao-I-Dang operated on Khmer and Vietnamese patients. The ICRC tracing services dealt with requests by families for enquiries into the whereabouts of more than 2,200 persons, both Khmer and Vietnamese, along the frontier and abroad. The ICRC also forwarded mail between the camps, handling more than 3,900 letters.

Philippines

In January and February, the ICRC continued its activities in the Philippines, visiting persons detained in connection with insurgency-related incidents or following attempts to stage a coup d'état (visits to 394 detainees), providing relief and medical assistance for persons displaced or isolated by the events, and disseminating knowledge of

international humanitarian law and the fundamental principles of the Movement.

Europe

Mission in the Union of Soviet Socialist Republics

The ICRC Director of Operations and the delegate-general for Europe and North America visited Moscow at the end of February to discuss various questions of mutual interest, both with representatives of the Foreign Ministry and the Chairman of the Alliance of Red Cross and Red Crescent Societies.

Middle East

Iran/Iraq conflict

On 17 February 1988, twenty-eight wounded, sick or elderly Iraqi prisoners of war were repatriated from Iran to Baghdad on a plane chartered by the ICRC. A team consisting of a doctor, a nurse and two delegates accompanied them.

This operation brought to 205 the number of Iraqi prisoners of war repatriated by the ICRC since the beginning of 1987.

The ICRC Director of Operations and the delegate-general for the Middle East went to Baghdad, where they had a discussion on 28 February with Mr. Tariq Aziz, Minister for Foreign Affairs. The purpose of this mission was to present to the Iraqi Government a summary of ICRC activities for prisoners of war held both in Iran and in Iraq. A new series of visits to Iranian prisoners of war in Iraq began on 6 February.

From 24 to 28 January an ICRC medical team made a complete medical and nutritional survey of Camp Al Tash, in the Iraqi province of Anbar, where Iranian Kurds are interned. The conclusions of this survey were submitted to the Governor of the province of Anbar.

Israel and the occupied territories

As the unrest in the occupied territories since 9 December continued with mounting violence, the ICRC delegation staff was increased several times to enable it to cope with its tasks of protection, both at the scene of the demonstrations themselves and in the camps and villages placed under curfew. The presence of the ICRC helped to curb the violence and made possible the rapid evacuation of the wounded. The delegates also continued their regular visits to hospitals to visit the wounded, making sure that their families knew where they were and that the medical facilities were sufficient to care for them. The ICRC delegates likewise made regular visits to places of detention, including the new centres opened by the Israeli authorities specifically for the detention of persons arrested in connection with the events in the occupied territories. These visits enabled the delegates to inform the families of detainees, to evaluate the material needs, if any, of the prisoners and observe the conditions of detention.

The delegate-general for the Middle East visited Israel from 19 to 24 January for an overall discussion with the authorities of both the routine activities of the ICRC and those resulting from the recent events.

As four residents of the West Bank were expelled by the Israeli authorities on 13 January, the ICRC issued a press release that same evening expressing its consternation at this act, stressing that the practice of expulsion constitutes a grave violation of Article 49 of the Fourth Geneva Convention and a contravention of humanitarian law.

IN THE RED CROSS AND RED CRESCENT WORLD

ACTIVITIES OF NATIONAL RED CROSS AND RED CRESCENT SOCIETIES

The dissemination of humanitarian law One of our major concerns

Although it was ushered in by the 1970s, it was not until this decade that the dissemination of the fundamental principles of the Red Cross and the basic rules of international humanitarian law (IHL) became firmly established among the many activities of the Belgian Red Cross.

In addition to undertaking successful national initiatives, such as the organization of the *Symposium on the Implementation of the Protocols additional to the Geneva Conventions of 12 August 1949* held in Brussels in November 1986, the French-speaking community of the Belgian Red Cross has endeavoured to make its own original contributions to the dissemination drives and programmes launched by the International Committee of the Red Cross and the League of Red Cross and Red Crescent Societies.

The means and methods of dissemination described below are those chosen and applied by the French-speaking community of the Belgian Red Cross. For a comprehensive view of the situation in Belgium as a whole, the present outline should be read in parallel with the report written by Mr. Vandekerckhove, Director-General of the Flemish-speaking community of the Belgian Red Cross ¹.

The informational and educational activities carried out by the French-speaking community of the Belgian Red Cross have been supervised since 1980 by a special body, the Commission for the Dissemination of International Humanitarian Law, which is composed of representatives not only of the Belgian Red Cross, but also of the country's French-speaking academic and scientific community, the office of the Judge-Advocate General, the Ministry of Foreign Affairs and the Royal Military Academy. The Commission's first

¹ Vandekerckhove, Carl, "Dissemination of International Humanitarian Law—The Belgian Situation", *International Review of the Red Cross*, No. 258, May-June 1987, pp. 277-281.

task was to design a dissemination programme. After determining its major priorities (target groups and methods of arousing their interest), the Commission's members established guidelines to ensure the programme's success. Indeed, many projects undertaken by the dissemination service so far have been based on the Commission's ideas.

We have thus gradually attained our goal, that is, to become an effective tool for the dissemination of IHL.

Internal dissemination

The role assigned to all Red Cross Societies in the event of conflict requires that their staff and some of their volunteers be taught the fundamental rules and certain specific provisions of IHL (particularly those relative to the rights and duties of medical personnel).

For several years, therefore, our relief services have made a point of including in their training programmes for volunteers a period reserved exclusively for teaching the provisions of the Geneva Conventions and their Additional Protocols. A similar measure has been taken by the Red Cross Youth and the Social Service Department.

Furthermore, IHL is included in the training courses and other seminars organized for local branch presidents. The internal aspect of dissemination is also important in terms of its multiplier effect. Thus, when the opportunity arises in the course of their regular activities, volunteers may in turn pass on the knowledge they have acquired of humanitarian values and basic principles.

External dissemination

Our most recent external dissemination activities fall into two categories, that is, the preparation and distribution of brochures, and the organization of educational events.

1. In addition to ensuring the wide *distribution* of ICRC brochures, we have produced our own publications, some of which are described below.

1.1 For all volunteers

The columns of *Contact* magazine (12,000 copies published every two months) are always open to interviews and articles about IHL in relation to current events. For example, on the occasion of Mr. Hay's and Mr. Sommaruga's recent visits to Brussels *Contact* published interviews on topical issues; it has also given wide coverage to the ratification by Belgium of the Additional Protocols, the role of ICRC delegates around the world and the appeals for a humanitarian mobilization.

1.2. *For youth*

Every year the periodical produced for the Red Cross Youth devotes one full issue to IHL. It also publishes information on available teaching materials (“Le DIH, un chemin vers la paix” — IHL: a road to peace; “L’action des délégués du CICR: efficacité dans la discrétion” — The activities of ICRC delegates: efficiency with discretion; showings of the film “Pax”; etc.) and on the organization of contests. Moreover, an issue of the magazine is sent once a year to all the schools in the French-speaking Belgian community.

The humanitarian law dissemination service has so far published two brochures for the general public, entitled “Face à la détresse” (In the face of human distress) and “La Croix-Rouge, une idée actuelle” (The Red Cross, a modern concept), and two others specifically for schoolchildren entitled “Croix-Rouge, qui es-tu?” (Red Cross, who are you?) for primary-school pupils, and “Vous avez dit Croix-Rouge?” (Did you say Red Cross?) for young teenagers. Thanks to their format and language tailored to their young readers, these brochures have been well received in educational circles. A new brochure concerning minimum humanitarian standards and the points of convergence between human rights and IHL will soon be going to press.

1.3. *For more in-depth knowledge*

The Honorary President of the Community Council of the French-speaking community of the Belgian Red Cross, Mr. Valère Bleiman, began in 1983 to write a series of textbooks, the third volume of which has just been published, on various themes of IHL. The author begins with a general outline of the fundamental rules of IHL, the Law of Geneva and fundamental principles, and the components and missions of the International Red Cross, then turns to issues more closely related to current events, such as the difficulty of achieving peace and the questions raised by the practice of torture and the use of various types of weapons.

2. The humanitarian law dissemination service has organized, among other educational events, a *contest* and *various series of conferences*.

2.1. The humanitarian law contest, first held in 1982, is open to university students, particularly future lawyers, doctors, army officers, diplomats and graduates in political sciences. Participants are invited to present a research paper on one of the IHL subjects proposed by the jury, itself composed largely of members of the Dissemination Commission.

2.2. An annual lecture tour of universities and similar institutions by an ICRC legal adviser is being planned. It is felt that these lectures, at the very least, will provide basic information to a large number of students of the law and political science departments of the country's French-speaking universities and, at best, will enable the students to grasp the practical importance of certain abstract concepts dealt with in public international law courses.

3. The latest step in our dissemination effort has been the introduction of a course on IHL in training programmes for first-aiders. Children (young first-aiders), teenagers (junior first-aiders) and adults undergoing training for personal or professional reasons are automatically given a two-hour talk on the Movement, the Geneva Conventions, etc.

This brief survey of the dissemination activities of the French-speaking section of the Belgian Red Cross would be incomplete without mentioning the existence of a specialized IHL library open to anyone wishing to engage in research. The library also stocks and circulates ICRC publications. Among its most frequent users are officers responsible for teaching IHL to the armed forces, and students.

In conclusion, let us recall the important role that was played by the National Society in promoting ratification by Belgium of the two Protocols additional to the Geneva Conventions. Throughout the process, we also did our utmost to increase awareness of the issues among political figures in a position to speed up the legislative procedures involved.

This brief survey shows the variety of our activities and demonstrates our interest in ensuring the widest possible dissemination of humanitarian law, a difficult but essential task calling for perseverance and imagination.

Guy Hullebrœck
Director-General
Belgian Red Cross
(French-speaking community)

Dissemination: Moroccan Red Crescent launches pilot project

Introduction:

In 1987 the Moroccan Red Crescent (MRC) organized a series of seminars to spread knowledge of international humanitarian law and human rights among six different target groups concerned with these matters. This most interesting experiment enabled the Society to reach motivated people all over the country who had only a slight knowledge of international humanitarian law and were insufficiently acquainted with the International Red Cross and Red Crescent Movement. It was a pilot project and the first time that a National Society had, on its own initiative, organized a series of dissemination seminars for the target audiences defined by the Movement in all its programmes of action.

Contributory factors and infrastructure

A number of factors combined to make possible this series of seminars. One factor was the perception of the leaders of the MRC, thoroughly versed in the principles of dissemination, who succeeded, under the enlightened guidance of their President, Her Royal Highness Lalla Malika, in drawing up the programme; two major material factors were the existence of a training centre at Medhia, not far from Rabat, fully equipped to receive about a hundred participants, and the financing of the project by an American foundation established for the training of senior staff and for education in the Middle East and North Africa.

Implementation

The Moroccan Red Crescent, conscious of its responsibilities, wishing to apply Resolution IV of the Twenty-fifth International Conference of the Red Cross, within the framework of the Third Programme of Action of the International Red Cross and Red Crescent Movement with respect to dissemination

of international humanitarian law and the principles and ideals of the Movement, (1986-1990), decided to implement a programme for dissemination at the national level.

The Moroccan Red Crescent organized an initial series of seminars, between August and December, to provide training for each of the following six groups: officials of the National Society at provincial and "prefectural" levels; officials of four ministries (Justice, Foreign Affairs, Interior, Information); Red Crescent Youth leaders; senior officers of the Royal Armed Forces, the Royal Police Force and the auxiliary forces; journalists from the country's major newspapers; and doctors (those of the MRC, of the armed forces and in private practice). Members of the academic world will be included in the second series of seminars.

The seminar programmes dealt with the various aspects—historic and legal—of international humanitarian law and human rights, also with the role and the work of the International Red Cross and Red Crescent Movement. Each subject was introduced by a lecture which was followed by a discussion and, where suitable, by practical exercises.

Expert guidance on the subjects relating to human rights and Islam was provided brilliantly by Dr. Abdelkader El Kadiri, professor of international public law at the Law Faculty in Rabat. The head of public relations and dissemination at the MRC, Mr. B. Bensaoud, had invited the Co-operation-Dissemination Division of the ICRC to send lecturers on international humanitarian law and the principles and ideals of the Movement. Excellent collaboration between the organizers and the ICRC on the choice of subjects ensured that, from one seminar to the other, the subjects could be adapted as closely as possible to the audience. The wealth of subject matter in the lectures was stressed by all participants, whose high intellectual capacity enhanced the debates.

The Secretariat of the League of Red Cross and Red Crescent Societies also took part in the seminars by sending experts and dissemination material.

Among those invited were eminent academics not associated with the Movement, including Professor Maurice Torelli, of the *Institut du Développement et de la Paix* (Development and Peace Institute) in Nice, Dr. Mohamed El Kouhenne, assistant at the Independent Commission on international humanitarian questions, Mrs. Khadija El Madmad, professor in the Casablanca Law Faculty, and Lieutenant-Colonel Mohamed Arassen of the Royal Moroccan Armed Forces. Leading officials and members of the MRC Central Committee followed the seminars closely. Among them were Mr. L. Derfoufi, General Secretary of the MRC. Mr. A. Belghiti, editor of the MRC journal, and the members of the Central Committee, Mr. Mehdi Bennouna, Treasurer of the League, Mrs. Fatima Hassar, Mr. Mohamed Maazouzi and Mr. Mohamed Nesh-Nash. All the seminars were given wide coverage by the Moroccan press.

Future plans

Recently the MRC has received a large number of appeals from the provinces, from previous participants (MRC officials, officers in the armed forces, doctors), for further seminars to be organized for them to improve their knowledge of international humanitarian law and the International Red Cross and Red Crescent Movement. In view of the success of the first series of seminars, the MRC has decided to create a "dissemination cell" or commission, made up of the most highly motivated representatives of each group that has taken part in the seminars. With the support of members of the National Society, this cell or commission will then be able to carry on dissemination activities throughout the country itself, in what will constitute the second stage of the MRC dissemination programme.

Conclusion

It is encouraging, in a world where failure to apply international humanitarian law is all too frequent to find a National Society that has not only recognized its responsibilities but has converted them into action, thus imitating Henry Dunant's original gesture and fulfilling the primary concern of the Movement as a whole. It is to be hoped that the example of the Moroccan Red Crescent will spread far and wide among other National Societies and, in particular, will be followed by its own Government, which, under the Geneva Conventions, is primarily responsible for making known the provisions of international humanitarian law. This would demonstrate that the observance of international humanitarian law and the dissemination of its principles foster the spirit of peace and respect for human rights and help to combat all forms of discrimination.

François Gillioz

North Africa/Middle East desk

Co-operation-Dissemination

Division, ICRC

MISCELLANEOUS

New Zealand ratifies the Protocols

On 8 February 1988, New Zealand ratified the Protocols additional to the Geneva Conventions of 12 August 1949 and relating to the protection of the victims of international armed conflicts (Protocol I) and non-international armed conflicts (Protocol II), which were adopted in Geneva on 8 June 1977.

This ratification was accompanied by a number of statements, reading as follows: The Government of New Zealand...

Declares that this ratification shall not extend to the Cook Islands, Niue and Tokelau;

And further declares as follows:

- 1. It is the understanding of the Government of New Zealand that in relation to Article 44 of Protocol I, the situation described in the second sentence of paragraph 3 can exist only in occupied territory or in armed conflicts covered by paragraph 4 of Article 1. The Government of New Zealand will interpret the word "deployment" in paragraph 3(b) of the Article as meaning any movement towards a place from which an attack is to be launched. It will interpret the words "visible to the adversary" in the same paragraph as including visible with the aid of any form of surveillance, electronic or otherwise, available to help keep a member of the armed forces of the adversary under observation.*
- 2. In relation to Articles 51 to 58 inclusive, it is the understanding of the Government of New Zealand that military commanders and others responsible for planning, deciding upon, or executing attacks necessarily have to reach decisions on the basis of their assessment of the information from all sources which is reasonably available to them at the relevant time.*

3. *In relation to paragraph 5(b) of Article 51 and to paragraph 2(a)(iii) of Article 57, the Government of New Zealand understands that the military advantage anticipated from an attack is intended to refer to the advantage anticipated from the attack considered as a whole and not only from isolated or particular parts of that attack and that the term "military advantage" involves a variety of considerations, including the security of attacking forces. It is further the understanding of the Government of New Zealand that the term "concrete and direct military advantage anticipated", used in Articles 51 and 57, means a bona fide expectation that the attack will make a relevant and proportional contribution to the objective of the military attack involved.*
4. *In relation to Article 52, it is the understanding of the Government of New Zealand that a specific area of land may be a military objective if, because of its location or other reasons specified in the Article, its total or partial destruction, capture or neutralisation in the circumstances ruling at the time offers a definite military advantage. The Government of New Zealand further understands that the first sentence of paragraph 2 of the Article is not intended to, and nor does it deal with, the question of incidental or collateral damage resulting from an attack directed against a military objective.*
5. *The Government of New Zealand declares that it recognises ipso facto and without special agreement, in relation to any other High Contracting Party accepting the same obligation, the competence of the International Fact-Finding Commission to enquire, as authorised by Article 90, into allegations by such other Party that it has been the victim of violations amounting to a grave breach or other serious violation of the Geneva Conventions of 1949 or of Protocol I".*

New Zealand is the eleventh State to make the declaration regarding the Fact-Finding Commission, which, it will be recalled, will be set up as soon as twenty States have made such declarations.

In accordance with their provisions, the Protocols will come into force for New Zealand as from 8 August 1988.

New Zealand is the 73rd State to become party to Protocol I and the 66th to Protocol II.

Accession of the Democratic People's Republic of Korea to Protocol I

The Democratic People's Republic of Korea acceded on 9 March 1988 to the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), adopted in Geneva on 8 June 1977.

Pursuant to its provisions, Protocol I will come into force for the Democratic People's Republic of Korea on 9 September 1988.

This accession brings to 74 the number of States party to Protocol I.

Award of the Paul Reuter Prize

The jury of the Paul Reuter Prize, chaired by Professor Jean Pictet, Honorary Vice-President of the International Committee of the Red Cross, and composed, in addition to members of the ICRC administration, of Professors L. Condorelli and G. Malinverni of the University of Geneva, unanimously decided that the second award of the Prize would be made to an American citizen,

Mrs. Heather Ann Wilson,

Ph.D., for her doctoral thesis entitled "International Law and the Use of Force by National Liberation Movements", presented at Oxford University.

The jury emphasized the remarkable quality of Mrs. Wilson's work, which represents a major contribution to international humanitarian law.

In 1982, Mr. Paul Reuter, Professor Emeritus at the Paris University of Law, Economics and Social Sciences, member and former Chairman of the United Nations International Law Commission, made a donation to the ICRC to set up the Paul Reuter Fund, whose income is used to promote better knowledge and understanding of international humanitarian law. The Fund also provides for the award, in principle once every two years, of a Paul Reuter Prize of 2,000 Swiss francs, in recognition of a particularly outstanding work in the area of international humanitarian law.

Mrs. Wilson will receive her prize in the course of this coming spring.

BOOKS AND REVIEWS

THE SPIRIT AND STRUCTURE OF THE RED CROSS

*A selection of works by Anton Schlögel, Doctor of Laws,
published in tribute to the author
on the occasion of his 75th birthday **

The German Red Cross in the Federal Republic of Germany has honoured its former Secretary General in not only a judicious but also a useful manner by publishing an interesting selection of his papers and essays. The work represents an important contribution to Red Cross literature as it encompasses the knowledge and experience of a lifetime dedicated to the institution and imbued "with tolerance and humanitarian spirit"—to quote the foreword by Prince Botho of Sayn Wittgenstein-Hohenstein, President of the German Red Cross in the Federal Republic of Germany.

The selection provides an excellent reference work for Red Cross members and staff since the author gives a detailed and in-depth account, in his many articles and papers, of nearly all the aspects of the Red Cross Movement and his activities within it, of which an impressive portrait emerges. It also testifies to the author's deep commitment to and faith in the Red Cross ideal, a faith which has been convincingly reflected in his life's work. Anton Schlögel is among the men who have most truly embodied the Red Cross ideal.

After completing his studies and military service, Anton Schlögel worked as a lawyer in Nuremberg. From 1945, he assumed various functions in the Bavarian Red Cross, such as legal advisor to its regional working group in the American zone. He played a determining role in reconstituting the German Red Cross before serving as its Secretary General in Bonn from 1958 to 1976. Since his retirement, he has been a member of its presiding board and, since 1979, Vice-President of the *Verband der Schwesternschaften vom Deutschen Roten Kreuz* (Federation of Nurses' Associations of the German Red Cross).

With Anton Schlögel as its Secretary General, the German Red Cross became a model National Society in terms of the volume as well as the quality of its work, both nationally and internationally. His contribution to its development was considerable not only in organizational and administrative terms, for

* *Geist und Gestalt des Roten Kreuzes — Eine Auswahl von Reden und Aufsätzen von Anton Schlögel* (The spirit and structure of the Red Cross — Selected papers and essays by Anton Schlögel), published by the German Red Cross in the Federal Republic of Germany, Bonn, 1987, 296 p.

his mind ranged far beyond in profound consideration of the essential spirit and structure of the Red Cross, and he readily gave public expression to his thoughts.

The work is divided into four parts, "Geist des Roten Kreuzes" (The spirit of the Red Cross), "Das Internationale und das Deutsche Rote Kreuz" (The International Red Cross and the German Red Cross), "Humanitäres Völkerrecht" (International humanitarian law), and "Biographien" (Biographies). The first part consists of various studies on the fundamental principles of the Red Cross and the theme "Red Cross and peace". The second part presents the International Red Cross, clearly showing that it is not a single organization, but instead a coherent network of many organizations. The German Red Cross is described as a National Society and as a central, non-governmental, social welfare association. The third part deals with questions such as human rights in relation to the Geneva Conventions and the Additional Protocols, humanitarian law in the Hague Regulations respecting the Laws and Customs of War on Land, and the operational use of the hospital ship "Helgoland" in the light of international law.

The perceptively presented biographies include those of the former presidents of the German Red Cross, such as, among others, Otto Gessler, Heinrich Weitz, Hans Ritter von Lex and Walter Bargatzky, and the former Secretary Generals, such as Anton Schlögel's predecessor, Walter Georg Hartmann, to whom the German Red Cross owes the maintenance of its independence and international relations during the period of the Third Reich. Tribute is also paid to several outstanding women, such as the former Vice-President, Countess Etta von Waldersee, and senior staff members, such as Countess von Uexküll and Hermine Held.

In his conference papers and other writings, Anton Schlögel frequently refers to Max Huber and Jean Pictet. He dedicated his often republished book, *Die Genfer Rotkreuz-Abkommen* (The Red Cross Conventions of Geneva) to Max Huber, whom he calls "the truly wise father of the entire Red Cross" ("*den wahrhaft weisen Vater des ganzen Roten Kreuzes*"). This is because Max Huber consistently rethought and reformulated to perfection the fundamental principles, the position in relation to international law and the universal duties of the Red Cross. Anton Schlögel is, together with Jean Pictet, among the disciples of the great master who have not only perpetuated his thought, but also further developed it through original reflection and a wealth of experience.

Hans Haug

HISTORIA DE LA CRUZ ROJA ESPAÑOLA

In the service of history

Wealth of content and a harmonious presentation are the most striking features of this *History of the Spanish Red Cross*, recently published by the Spanish Red Cross Society and written by Josep Carles Clemente, who is a well-known historian and journalist in Spain.¹

The *History* is a magnificently illustrated album with photographs, contemporary engravings and other reproductions; it is also a very well-documented research by an historian who not only presents his readers with a chronological record of events, but also tries to supply evidence in support of the facts (mostly on the basis of hitherto unpublished documents) and analyzes them within their national and international contexts.

The Spanish Section of the International Association for Relief to Wounded Soldiers in Spain was founded on 6 July 1864 and first came under actual fire during the Third Carlist War—on 4 May 1872, to be precise, during the battle of Oroquieta, when Red Cross nurses and doctors evacuated and cared for the wounded and sick of both the Carlist and the legitimist forces. Beyond the humanitarian significance of this gesture, the Red Cross' work during the Carlist War marked the true beginning of the organization and the acknowledgment of its merits by the Spanish public of its time.

Up to the end of the nineteenth century, the Spanish Red Cross, which was gradually establishing its permanent structures, was called upon both inside Spain and overseas, at the time of the colonial wars: first during the "cantonalist" uprising of 1873 which set the south of Spain ablaze, then from 1897 to 1899 during the evacuations from Cuba, Puerto Rico and the Philippines. The Spanish Red Cross arranged for the repatriation of soldiers and civilians to Spain.

The activities of the Spanish Red Cross in peacetime are also described in considerable detail. The author refers extensively to the archives and bulletins of the provincial and local Assemblies of the Spanish Red Cross to describe—using numerous statistics to illustrate his point—the development of medical and social welfare programmes since the flu epidemic which claimed so many victims in the years 1917 to 1919 and mobilized all the Red Cross' resources; the floods and earthquakes which struck several areas of the country during those same years; and the social strife that divided Spain during the "tragic week of Cataluña" in July 1909, during the general strike of 1917 and the revolution of October 1934.

¹ Josep Carles Clemente, *Historia de la Cruz Roja Española* (History of the Spanish Red Cross), Spanish Red Cross, Ed. Department of Information, Public Relations and Publications, Madrid, 1986, 340 p.

In this connection, the author shows how much the Spanish Red Cross owes to Queen Victoria Eugenia, who devoted so much of her time to humanitarian activities and who created the body of professional nurses and ladies engaging in voluntary Red Cross work which did such outstanding work during the First World War.

The book also contains an entire chapter on the Spanish Civil War (1936-39), in which the author gives an extensive description of the activities of ICRC delegates, in particular Dr M. Junod, and of the assistance provided to the victims of the war by various National Societies. The reader's curiosity remains somewhat unassuaged, however, when the author starts dealing with the situation of the Spanish Red Cross, which was soon split into two separate camps as a result of the Civil War. It would have been interesting to know more about the humanitarian work done by the "Madrid" and the "Burgos" branches of the Red Cross and of the relations between them. Josep Carles Clemente nevertheless describes the activities carried out by the various provincial committees, which all did a remarkable job, in particular the Lerida Committee, which from the outset of the war set up a hospital and an ambulance service, and organized a tracing and information service for families separated by the conflict.

During the Second World War, the Spanish Red Cross had the arduous responsibility of responding to needs on two different fronts at once: in Spain itself, where it had to deal with the disastrous effects of the Civil War and try and alleviate suffering in a country in ruins, while outside Spain the Second World War and the consequences it entailed in humanitarian terms laid an extremely heavy burden on the Society, the more so since Spain rapidly became the centre for the provision of international humanitarian assistance. Spain's position as a "non-belligerent" led to the exchange of prisoners on Spanish soil (in October 1943, 1,061 Germans were exchanged for 1,083 British citizens in Barcelona). The Spanish Red Cross was active in these various operations, caring for the wounded and sick and coordinating the exchange and repatriation of the prisoners.

The author finishes his book on a brief description of the Society's development since the Second World War, laying particular emphasis on the structural and statutory changes that gradually took place within the Society, on the creation and development of services to meet new and increasingly diverse requirements (the Youth Red Cross was founded in 1970 and the "Cruz Roja del Mar" in 1971). As from the late 1970s, the Society thus evolved into a dynamic institution which achieved international renown with the election of its President, the late Mr Enrique de la Mata Gorostizaga, to the position of President of the League of Red Cross and Red Crescent Societies in November 1981.

The conclusion to the book is by the current President of the Society, Mr Leocadio Marín, who describes the Spanish Red Cross, as it evolved over the years and acquired experience from the major events of the past century, gradually advancing from a philanthropic, generous and elitist institution to become an organization which has lost none of its generosity of spirit, but has

achieved greater and wider social involvement, and whose activities and commitment to the principles of the Movement represent a major contribution to justice and peace.

This *History of the Spanish Red Cross* is also a discovery—or a rediscovery—of Spanish contemporary history set against a background of humanitarian ideals.

Jacques Meurant

LOS DERECHOS HUMANOS EN EL SISTEMA INTERAMERICANO

Recopilación de instrumentos básicos

In recent years the subject of human rights protection has grown steadily in dimension and importance in Latin America.

Effectively ensuring respect for human rights demands a thorough knowledge of such rights and how they are applied.

The fact that, until recently, no Spanish text existed which fully and systematically set out existing human rights instruments has led the Inter-American Institute of Human Rights to publish the above-mentioned work*.

It is a very comprehensive compilation of the many legal instruments within the inter-American human rights system, the best known of which are undoubtedly the 1948 Organization of American States (OAS) Charter and the 1969 American Convention on Human Rights. This collection is intended both for academic circles and for the many human rights defence groups in Latin America.

The book is divided into four parts, each containing various instruments according to their legal standing; American Conventions (first part); Declarations (second part); Statutes and Regulations (third Part); OAS Resolutions on Human Rights (fourth part). The resolutions are listed according to the bodies which adopted them and subdivided according to the subject matter they deal with.

The table of contents is supplemented by an index of instruments in chronological order (up to the end of 1986) which makes for ease of reference.

In this introduction, Professor Héctor Gross Espiell briefly describes the inter-American human rights system and comments on how it works and on its various instruments. He especially refers to the differences between that system and those in other regions, in particular the European system. Although partly structural in nature, they also stem from the difference in economic, social and political backgrounds.

* *Los derechos humanos en el sistema interamericano, Recopilación de instrumentos básicos*, (Human rights in the inter-American system, Compilation of basic instruments), Daniel Zovatto G., compiler, Inter-American Institute of Human Rights, Costa Rica, 1987, pp. 358.

The inter-American system has a twofold character: one based on the OAS Charter, and therefore applicable to all OAS Member States, and one based on the American Convention on Human Rights which applies solely to States party to that Convention.

Without question, Daniel Zovatto's remarkable compilation is a very valuable and useful work of reference for all people interested in human rights study and academic research; it is equally valuable for those striving to ensure that fundamental human rights are more effectively respected in Latin America.

Cristina Pellandini

CORRECTION

IRRC No. 768, November-December 1987

Sixth Session of the General Assembly of the League of Red Cross and Red Crescent Societies, p. 584, paragraph 2.

This paragraph states: "The Assembly was honoured by the presence at its opening ceremony of Mr. José Sarney, the Brazilian President..." This information provided to the IRRC was incorrect and in fact Mr. Sarney was unable to attend. At the end of the session, however, the delegates at the General Assembly heard a message from the Brazilian President on the humanitarian role of the Red Cross and Red Crescent.

ADDRESSES OF NATIONAL SOCIETIES

- AFGHANISTAN (Democratic Republic of) — Afghan Red Crescent Society, Puli Hartal, *Kabul*.
- ALBANIA (Socialist People's Republic of) — Albanian Red Cross, 35, Rruga e Barrikadave, *Tirana*.
- ALGERIA (People's Democratic Republic of) — Algerian Red Crescent, 15 bis, Boulevard Mohamed V, *Algiers*.
- ANGOLA — Cruz Vermelha de Angola, Av. Hoji ya Henda 107, *Luanda*.
- ARGENTINA — The Argentine Red Cross, H. Yrigoyen 2068, 1089 *Buenos Aires*.
- AUSTRALIA — Australian Red Cross Society, 206 Clarendon Street, *East Melbourne 3002*.
- AUSTRIA — Austrian Red Cross, 3 Gussausstrasse, Postfach 39, A-1041, *Vienna 4*.
- BAHAMAS — The Bahamas Red Cross Society, P.O. Box N-8331, *Nassau*.
- BAHRAIN — Bahrain Red Crescent Society, P.O. Box 882, *Manama*.
- BANGLADESH — Bangladesh Red Cross Society, 684-686, Bara Magh Bazar, Dhaka-17, G.P.O. Box No. 579, *Dhaka*.
- BARBADOS — The Barbados Red Cross Society, Red Cross House, Jermotts Lane, *Bridgetown*.
- BELGIUM — Belgian Red Cross, Chaussée de Vleurgt 98, 1050 *Brussels*.
- BELIZE — Belize Red Cross Society, P.O. Box 413, *Belize City*.
- BENIN (People's Republic of) — Red Cross of Benin, B.P. No. 1, *Porto Nova*.
- BOLIVIA — Bolivian Red Cross, Avenida Simón Bolívar No. 1515, *La Paz*.
- BOTSWANA — Botswana Red Cross Society, 135 Independence Avenue, P.O. Box 485, *Gaborone*.
- BRAZIL — Brazilian Red Cross, Praça Cruz Vermelha No. 10/12, *Rio de Janeiro*.
- BULGARIA — Bulgarian Red Cross, 1, Boul. Biruzov, 1527 *Sofia*.
- BURKINA FASO — Burkina Be Red Cross Society, B.P. 340, *Ouagadougou*.
- BURMA (Socialist Republic of the Union of) — Burma Red Cross Society, Red Cross Building, 42, Strand Road, *Rangoon*.
- BURUNDI — Burundi Red Cross, rue du Marché 3, P.O. Box 324, *Bujumbura*.
- CAMEROON — Cameroon Red Cross Society, rue Henry-Dunant, P.O.B. 631, *Yaoundé*.
- CANADA — The Canadian Red Cross Society, 1800 Alta Vista Drive, *Ottawa*, Ontario K1G 4J5.
- CAPE VERDE (Republic of) — Cruz Vermelha de Cabo Verde, Rua Unidade-Guiné-Cabo Verde, P.O. Box 119, *Praia*.
- CENTRAL AFRICAN REPUBLIC — Central African Red Cross Society, B.P. 1428, *Bangui*.
- CHILE — Chilean Red Cross, Avenida Santa Maria No. 0150, Correo 21, Casilla 246-V., *Santiago de Chile*.
- CHINA (People's Republic of) — Red Cross Society of China, 53, Ganmen Hutong, *Beijing*.
- COLOMBIA — Colombian Red Cross Society, Avenida 68, No. 66-31, Apartado Aéreo 11-10, *Bogotá D.E.*
- CONGO (People's Republic of the) — Croix-Rouge congolaise, place de la Paix, B.P. 4145, *Brazzaville*.
- COSTA RICA — Costa Rica Red Cross, Calle 14, Avenida 8, Apartado 1025, *San José*.
- CÔTE D'IVOIRE — Croix-Rouge de Côte d'Ivoire, B.P. 1244, *Abidjan*.
- CUBA — Cuban Red Cross, Calle Calzada 51, Ciudad Habana, *Habana 4*.
- CZECHOSLOVAKIA — Czechoslovak Red Cross, Thunovska 18, 118 04 *Prague 1*.
- DENMARK — Danish Red Cross, Dag Hammarskjölds Allé 28, Postboks 2600, 2100 *København Ø*.
- DJIBOUTI — Société du Croissant-Rouge de Djibouti, B.P. 8, *Djibouti*.
- DOMINICAN REPUBLIC — Dominican Red Cross, Apartado postal 1293, *Santo Domingo*.
- ECUADOR — Ecuadorean Red Cross, Calle de la Cruz Roja y Avenida Colombia, *Quito*.
- EGYPT (Arab Republic of) — Egyptian Red Crescent Society, 29, El Galaa Street, *Cairo*.
- EL SALVADOR — Salvadorean Red Cross Society, 17C. Pte y Av. Henri Dunant, *San Salvador*, Apartado Postal 2672.
- ETHIOPIA — Ethiopian Red Cross Society, Ras Desta Damtew Avenue, *Addis Ababa*.
- FIJI — Fiji Red Cross Society, 22 Gorrie Street, P.O. Box 569, *Suva*.
- FINLAND — Finnish Red Cross, Tehtaankatu, 1 A, Box 168, 00141 *Helsinki 14/15*.
- FRANCE — French Red Cross, 1, place Henry-Dunant, F-75384 *Paris*, CEDEX 08.
- GAMBIA — The Gambia Red Cross Society, P.O. Box 472, *Banjul*.
- GERMAN DEMOCRATIC REPUBLIC — German Red Cross of the German Democratic Republic, Kaitzerstrasse 2, DDR 8010 *Dresden*.
- GERMANY, FEDERAL REPUBLIC OF — German Red Cross in the Federal Republic of Germany, Friedrich-Ebert-Allee 71, 5300, *Bonn 1*, Postfach 1460 (D.B.R.).
- GHANA — Ghana Red Cross Society, Natioal Headquarters, Ministries Annex A3, P.O. Box 835, *Accra*.
- GREECE — Hellenic Red Cross, rue Lycavittou, 1, *Athens 10672*.
- GRENADA — Grenada Red Cross Society, P.O. Box 221, *St. George's*.
- GUATEMALA — Guatemalan Red Cross, 3.^a Calle 8-40, Zona 1, *Ciudad de Guatemala*.
- GUINEA — The Guinean Red Cross Society, P.O. Box 376, *Conakry*.
- GUINEA-BISSAU — Sociedad Nacional da Cruz Vermelha de Guiné-Bissau, rua Justino Lopes No. 22-B *Bissau*.
- GUYANA — The Guyana Red Cross Society, P.O. Box 10524, Eve Leary, *Georgetown*.
- HAITI — Haitian National Red Cross Society, Place des Nations Unies, B.P. 1337, *Port-au-Prince*.
- HONDURAS — Honduran Red Cross, 7.^a Calle, 1.^a y 2.^a Avenidas, *Comayagüela D.M.*
- HUNGARY — Hungarian Red Cross, V. Arany János utca, 31, *Budapest 1367*, Mail Add.: 1367 *Budapest 5*, Pf 121.
- ICELAND — Icelandic Red Cross, Raudararstigur 18, 105 *Reykjavik*.
- INDIA — Indian Red Cross Society, 1, Red Cross Road, *New Delhi 110001*.
- INDONESIA — Indonesian Red Cross Society, Il Jend Gatot subroto Kar. 96 Jakarta Selatan 12790, P.O. Box 2009, *Jakarta*.
- IRAN — The Red Crescent Society of the Islamic Republic of Iran, Avenue Ostad Nejatollahi, *Tehran*.
- IRAQ — Iraqi Red Crescent Society, Mu'ari Street, Mansour, *Baghdad*.
- IRELAND — Irish Red Cross Society, 16, Merrion Square, *Dublin 2*.
- ITALY — Italian Red Cross, 12, via Toscana, 00187 *Rome*.
- JAMAICA — The Jamaica Red Cross Society, 76, Arnold Road, *Kingston 5*.
- JAPAN — The Japanese Red Cross Society, I-3, Shiba-Daimon I-chome, Minato-Ku, *Tokyo 105*.
- JORDAN — Jordan National Red Crescent Society, P.O. Box 10001, *Amman*.
- KENYA — Kenya Red Cross Society, St. John's Gate, P.O. Box 40712, *Nairobi*.
- KOREA (Democratic People's Republic of) — Red Cross Society of the Democratic People's Republic of Korea, Ryonhwa 1, Central District, *Pyeongyang*.
- KOREA (Republic of) — The Republic of Korea National Red Cross, 32-3Ka, Nam San-Dong, Choong-Ku, *Seoul 100*.
- KUWAIT — Kuwait Red Crescent Society, P.O. Box 1359 Safat, *Kuwait*.
- LAO PEOPLE'S DEMOCRATIC REPUBLIC — Lao Red Cross, P.B. 650, *Vientiane*.
- LEBANON — Lebanese Red Cross, rue Spears, *Beirut*.
- LESOTHO — Lesotho Red Cross Society, P.O. Box 366, *Maseru 100*.
- LIBERIA — Liberian Red Cross Society, National Headquarters, 107 Lynch Street, P.O. Box 5081, *Monrovia*.
- LIBYAN ARAB JAMAHIRIYA — Libyan Red Crescent, P.O. Box 541, *Benghazi*.

- LIECHTENSTEIN — Liechtenstein Red Cross, Heiligkreuz, 9490 Vaduz.
- LUXEMBOURG — Luxembourg Red Cross, Parc de la Ville, C.P. 404, Luxembourg 2.
- MADAGASCAR — Malagasy Red Cross Society, 1 rue Patrice-Lumumba, Antananarivo.
- MALAWI — Malawi Red Cross Society, Mahati Magandhi Road, Blantyre (P.O. Box 30080, Chichiri, Blantyre 3).
- MALAYSIA — Malaysian Red Crescent Society, National HQ, No. 32 Jalan Nipah, off Jalan Ampang, Kuala Lumpur 55000.
- MALI — Mali Red Cross, B.P. 280, Bamako.
- MAURITANIA — Mauritanian Red Crescent, B.P. 344, Avenue Gamal Abdel Nasser, Nouakchott.
- MAURITIUS — Mauritius Red Cross Society, Ste Thérèse Street, Curepipe.
- MEXICO — Mexican Red Cross, Luis Vives 200, Col. Polanco, C.P. 11510, México, D.F.
- MONACO — Red Cross of Monaco, 27 boul. de Suisse, Monte Carlo.
- MONGOLIA — Red Cross Society of Mongolia, Central Post Office, Post Box 537, Ulan Bator.
- MOROCCO — Moroccan Red Crescent, B.P. 189, Rabat.
- NEPAL — Nepal Red Cross Society, Tahachal Kalimati, P.B. 217, Kathmandu.
- NETHERLANDS — The Netherlands Red Cross, P.O.B. 28120, 2502 KC The Hague.
- NEW ZEALAND — The New Zealand Red Cross Society, Red Cross House, 14 Hill Street, Wellington 1. (P.O. Box 12-140, Wellington Thorndon).
- NICARAGUA — Nicaraguan Red Cross, Apartado 3279, Managua D.N.
- NIGER — Red Cross Society of Niger, B.P. 11386, Niamey.
- NIGERIA — Nigerian Red Cross Society, 11 Eko Akete Close, off St. Gregory's Rd., P.O. Box. 764, Lagos.
- NORWAY — Norwegian Red Cross, P.O. Box 6875 Olavspl. N-0130 Oslo 1.
- PAKISTAN — Pakistan Red Crescent Society, National Headquarters, Sector H-8, Islamabad.
- PANAMA — Red Cross Society of Panama, Apartado Postal 668, Zona 1, Panamá.
- PAPUA NEW GUINEA — Papua New Guinea Red Cross Society, P.O. Box 6545, Boroko.
- PARAGUAY — Paraguayan Red Cross, Brasil 216 esq. José Berges, Asunción.
- PERU — Peruvian Red Cross, Av. Camino del Inca y Nazarenas, Urb. Las Gardenias — Surco — Apartado 1534, Lima.
- PHILIPPINES — The Philippine National Red Cross, Bonifacio Drive, Port Area, P.O. Box 280, Manila 2803.
- POLAND — Polish Red Cross, Mokotowska 14, 00-950 Warsaw.
- PORTUGAL — Portuguese Red Cross, Jardim 9 Abril, 1 a 5, 1293 Lisbon.
- QATAR — Qatar Red Crescent Society, P.O. Box 5449, Doha.
- ROMANIA — Red Cross of the Socialist Republic of Romania, Strada Biserica Amzei, 29, Bucurest.
- RWANDA — Rwandese Red Cross, B.P. 425, Kigali.
- SAINT LUCIA — Saint Lucia Red Cross, P.O. Box 271, Castries St. Lucia W.I.
- SAN MARINO — Red Cross of San Marino, Comité central, San Marino.
- SÃO TOMÉ AND PRINCEPE — Sociedade Nacional da Cruz Vermelha de São Tomé e Príncipe, C.P. 96, São Tomé.
- SAUDI ARABIA — Saudi Arabian Red Crescent Society, Riyadh 11129.
- SENEGAL — Senegalese Red Cross Society, Bd Franklin-Roosevelt, P.O.B. 299, Dakar.
- SIERRA LEONE — Sierra Leone Red Cross Society, 6 Liverpool Street, P.O.B. 427, Freetown.
- SINGAPORE — Singapore Red Cross Society, 15, Penang Lane, Singapore 0923.
- SOMALIA (Democratic Republic) — Somali Red Crescent Society, P.O. Box 937, Mogadishu.
- SOUTH AFRICA — The South African Red Cross Society, Essanby House 6th Floor, 175 Jeppe Street, P.O.B. 8726, Johannesburg 2000.
- SPAIN — Spanish Red Cross, Eduardo Dato, 16, Madrid 28010.
- SRI LANKA (Dem. Soc. Rep. of) — The Sri Lanka Red Cross Society, 106, Dharmapala Mawatha, Colombo 7.
- SUDAN (The Republic of the) — The Sudanese Red Crescent, P.O. Box 235, Khartoum.
- SURINAME — Suriname Red Cross, Gravenberchstraat 2, Paramaribo.
- SWAZILAND — Baphalali Swaziland Red Cross Society, P.O. Box 377, Mbabane.
- SWEDEN — Swedish Red Cross, Box 27316, 102-54 Stockholm.
- SWITZERLAND — Swiss Red Cross, Rainmattstrasse 10, B.P. 2699, 3001 Berne.
- SYRIAN ARAB REPUBLIC — Syrian Arab Red Crescent, Bd Mahdi Ben Barake, Damascus.
- TANZANIA — Tanzania Red Cross National Society, Upanga Road., P.O.B. 1133, Dar es Salaam.
- THAILAND — The Thai Red Cross Society, Paribatra Building, Chulalongkorn Hospital, Bangkok 10500.
- TOGO — Togolese Red Cross, 51, rue Boko Soga, P.O. Box 655, Lomé.
- TONGA — Tonga Red Cross Society, P.O. Box 456, Nuku'Alofa, South West Pacific.
- TRINIDAD AND TOBAGO — The Trinidad and Tobago Red Cross Society, P.O. Box 357, Port of Spain, Trinidad, West Indies.
- TUNISIA — Tunisian Red Crescent, 19, rue d'Angleterre, Tunis 1000.
- TURKEY — The Turkish Red Crescent Society, Genel Baskanligi, Karanfil Sokak No. 7, 06650 Kizilay-Ankara.
- UGANDA — The Uganda Red Cross Society, Plot 97, Buganda Road, P.O. Box 494, Kampala.
- UNITED ARAB EMIRATES — The Red Crescent Society of the United Arab Emirates, Abu Dhabi.
- UNITED KINGDOM — The British Red Cross Society, 9, Grosvenor Crescent, London, S.W.1X 7EJ.
- U.S.A. — American Red Cross, 17th and D. Streets, N.W., Washington, D.C. 20006.
- URUGUAY — Uruguayan Red Cross, Avenida 8 de Octubre 2990, Montevideo.
- U.S.S.R. — The Alliance of Red Cross and Red Crescent Societies of the U.S.S.R., I. Tcheremushkinskii proezd 5, Moscow, 117036.
- VENEZUELA — Venezuelan Red Cross, Avenida Andrés Bello, N.º 4, Apartado 3185, Caracas.
- VIET NAM (Socialist Republic of) — Red Cross of Viet Nam, 68, rue Bà-Triêu, Hanoi.
- WESTERN SAMOA — Western Samoa Red Cross Society, P.O. Box 1616, Apia.
- YEMEN ARAB REPUBLIC — Red Crescent Society of the Yemen Arab Republic P.O. Box 1257, Sana'a.
- YEMEN (People's Democratic Republic of) — Red Crescent Society of the People's Democratic Republic of Yemen, P.O. Box 455, Crater, Aden.
- YUGOSLAVIA — Red Cross of Yugoslavia, Simina ulica broj 19, 11000 Belgrade.
- ZAIRE — Red Cross Society of the Republic of Zaire, 41, av. de la Justice, B.P. 1712, Kinshasa.
- ZAMBIA — Zambia Red Cross Society, P.O. Box 50 001, 2837 Brentwood Drive, Longacres, Lusaka.
- ZIMBABWE — The Zimbabwe Red Cross Society, P.O. Box 1406, Harare.